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Item 82 of the preliminary list*
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 63/127, the present report outlines the progress made by the Secretariat since the last report (A/63/98) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited, in paragraphs 12 and 26 of the present report, to take action in the light of the conclusions drawn in sections II.F and III.E.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 63/127. In paragraph 9 of the resolution, the Assembly commended the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*. In paragraph 10, the Assembly noted with appreciation the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as to the trust fund for the elimination of the backlog in the *Repertory*; and in paragraph 11, the Assembly reiterated its call for voluntary contributions to those trust funds and the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications. In paragraph 12, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertory* and the *Repertoire* and making them available electronically in all their respective language versions. In paragraph 13, the Assembly reiterated the responsibility of the Secretary-General for the quality of the two publications and, with regard to the *Repertoire*, called upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952 (A/2170). Finally, in paragraph 14, the Assembly requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its sixty-fourth session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of supplements to the *Repertory of Practice of United Nations Organs*

2. Since the last report (A/63/98), the following progress has been made in the preparation of supplements to the *Repertory*. In July 2009, the Secretariat finalized and submitted for translation and publication volume IV of Supplement No. 8. Several other volumes are in different stages of preparation. In particular, the work progressed with respect to volume II of Supplements Nos. 7, 8 and 9. Work is also under way on three studies for volume VI of Supplements Nos. 8 and 9. However, lack of resources continued to affect the progress of work in the preparation of studies on certain Articles of the Charter of the United Nations pertaining to volumes III and VI.

3. The current status of the publication (original *Repertory* and supplements thereto), which, as a whole (including Supplement No. 10), should consist of 50 volumes, is as follows: 28 volumes have been published[1] and 7 volumes have been finalized and submitted for translation and publication.[2] Consequently, the

[1] *Repertory* and Supplements Nos. 1-6 (1946-1984), for a total of 26 volumes, and volumes V and VI of Supplement No. 7 (1985-1988).

[2] Volumes I and IV of Supplement No. 7 (1985-1988); volumes I and V of Supplements Nos. 8 (1989-1994) and 9 (1995-1999); and volume IV of Supplement No. 8 (1989-1994).

work to be completed comprises 15 volumes: 6 volumes[3] are in different stages of preparation; studies of 3 volumes[4] have been cross-referenced to the studies in the *Repertoire*; and the 6 remaining volumes pertain to the last reviewable period (Supplement No. 10) on which work is to be started.

4. Annex I to the present report sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual Articles. Annex II provides information on the status of the *Repertory*. Annex III provides information on the status of the *Repertoire*.

B. Availability of *Repertory* studies on the Internet

5. Studies from 35 complete volumes, including the 7 volumes in processing for publication, as well as advance versions of several studies pertaining to individual Articles which have been finalized and are awaiting completion of the respective volumes, continued to be made available on the United Nations website for the *Repertory* (www.un.org/law/repertory). The electronic version of the *Repertory* includes a full-text search feature, providing the users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication, namely English, French and Spanish.

6. Currently, all studies available in English are on the Internet, with a considerable number of them also available on the Internet in French and Spanish. Finalized studies awaiting publication are placed on the Internet in the language in which they have been prepared (English for most of them, and French for some of them). The Secretariat will continue to make available electronically all three language versions of the finalized *Repertory* studies.

C. Cooperation with academic institutions

7. The well-established cooperation with Columbia University Law School continued for the sixth consecutive year and recently contributed to the preparation of some studies pertaining to volume II.[5] The collaboration project established with francophone academic institutions (University of Paris X — Nanterre, University of Paris I — Sorbonne, University of Paris II — Assas, University of Nice, Centre d'études et de recherches internationales et communautaires (CERIC) — University of Aix-en-Provence, Free University of Bruxelles and University of Genève/Institut universitaire de hautes études internationales) also continued, thus leading to progress on other studies for volume II.[6]

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[3] Volume II of Supplements Nos. 7 (1985-1988), 8 (1989-1994) and 9 (1995-1999); volume IV of Supplement No. 9 (1995-1999); and volume VI of Supplements Nos. 8 (1989-1994) and 9 (1995-1999).

[4] Volume III of Supplements Nos. 7 (1985-1988), 8 (1989-1994) and 9 (1995-1999).

[5] Studies on Articles 9 (Supplements Nos. 7, 8 and 9) and 14 (Supplement No. 7) of the Charter.

[6] A study on Article 14 (Supplement No. 8) of the Charter was completed. Three other studies for Supplement No. 9 are in preparation.

D. Trust fund

8. In its resolution 63/127, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to its resolution 59/44, in order to eliminate the backlog in the *Repertory*. Accordingly, a note verbale was sent to all permanent missions to the United Nations reminding them of the possibility to make voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals who might wish to assist in that regard. The Secretary-General welcomes with appreciation the contributions to the trust fund received from the following Member States: Ireland (€5,000), Lebanon ($2,000), Turkey ($5,000) and the United Kingdom of Great Britain and Northern Ireland (£9,000).

9. Some of the available funds were used to finance the work of a consultant for a period of one month. During that period, the consultant was able to produce 13 studies for inclusion in volume IV of Supplements Nos. 8 and 9, thus leading to the completion of volume IV of Supplement No. 8.

10. Depending on the availability of funds, the possibility of using consultants for the preparation of other studies belonging to volumes that are near completion is being considered. Additional contributions to the trust fund are strongly encouraged so as to allow the Secretariat to carry out the effective elimination of the backlog in the *Repertory*.

E. Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

11. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the item on the *Repertory* and the *Repertoire* at its last session, held from 17 February to 25 February 2009. In its report (A/64/33, para. 13), the Special Committee recommended, inter alia, with regard to the *Repertory*, that the General Assembly commend the Secretary-General for the progress made in the preparation of studies, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose; note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*; reiterate its call for voluntary contributions to the trust fund so as to further support the Secretariat in carrying out the effective elimination of the backlog in the *Repertory*, as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Conclusions

12. **With respect to the *Repertory*, in the light of the foregoing, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendation of the Special Committee (see para. 11 above) concerning the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions for the preparation of studies; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication and the desirability of making it available electronically in all its language versions; and the reiteration of the Secretary-General's responsibility for the quality of the *Repertory*;**

(c) **To express appreciation for the contribution received to the trust fund for the elimination of the backlog in the *Repertory*; to note the progress made towards the elimination of that backlog through the utilization of the trust fund; and, therefore, to strongly encourage States to make additional contributions to the trust fund.**

III. Repertoire of the Practice of the Security Council

A. Mandate and preparation

13. By its resolution 63/127, the General Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertoire of the Practice of the Security Council* and making it available in all language versions. The *Repertoire*, originally mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, continues to provide a record of the evolving practice and procedure of the Security Council in the framework of the Charter of the United Nations and the Council's provisional rules of procedure.

14. Pursuant to the mandate provided by the Assembly, the Secretariat made much progress in the preparation of supplements to the *Repertoire* since the last report (A/63/98). In line with the "two-track" approach that allows the simultaneous preparation of two or more supplements, the Secretariat continued to focus on the Security Council's contemporary practice, in which Member States have expressed the most interest, while concurrently ensuring progress in coverage of the Council's earlier practice. This past year, the Secretariat worked on the thirteenth, fourteenth and fifteenth Supplements to the *Repertoire*, covering the periods 1996 to 1999, 2000 to 2003 and 2004 to 2007, respectively, within the context of the modalities outlined in paragraphs 102 to 106 of the Secretary-General's report of 18 September 1952 (A/2170).

15. In terms of past practice, the Secretariat reached an important milestone in the updating of the *Repertoire* by completing the thirteenth Supplement, covering the four-year period at the end of the previous decade (1996-1999). This development will allow the Secretariat to focus all of its efforts on the contemporary practice of

the Security Council since 2000 onwards. All 12 chapters of the completed thirteenth Supplement are now accessible electronically on the *Repertoire* website in an advance version while, during the course of 2009 and possibly in the early part of 2010, this Supplement undergoes the prolonged process of editing, indexing and translation into all official languages of the United Nations.

16. As far as the fourteenth Supplement is concerned, covering the period 2000-2003, all chapters of this volume will be completed and made available electronically on the *Repertoire* website in an advance version by the end of 2009. Eleven out of the 12 chapters of the Supplement have already been finalized and posted.

17. The completion of the thirteenth Supplement and near completion of the fourteenth Supplement has allowed the Secretariat to pick up pace in its preparation of the fifteenth Supplement covering the four-year period from 2004-2007. In the hope that the staffing situation of the Security Council Practices and Charter Research Branch of the Security Council Affairs Division will remain at current levels, the Secretariat has set itself an ambitious target of completing all chapters of this Supplement with the exception of one by the end of 2009. The remaining chapter of this Supplement, which provides a chronological record of the Security Council's consideration of items on its agenda, is expected to be completed in early 2010.

18. By closely tracking and recording contemporary practice of the Security Council in internal databases, the Secretariat has systematically been laying the groundwork for the preparation of the sixteenth Supplement, covering a two-year period (2008-2009). Progress on this Supplement will depend on the continued availability of resources, which is considered further in section III.D below.

19. The simultaneous preparation of several voluminous supplements to the *Repertoire* has not been without challenges. Though the Secretariat has managed to achieve, through various initiatives, progress towards updating the *Repertoire* and providing Member States with more up-to-date information on current Council practice, it has faced additional challenges in terms of editing, translating, indexing and publishing these supplements. The Secretariat is continuing to explore various options to address the existing resource constraints and consequent delays in publishing the supplements. In the interim, one of the options it has increasingly relied upon has been the posting of completed supplements and individual chapters of supplements under preparation in an advance version on the *Repertoire* website.

B. Advance publication: availability of *Repertoire* studies on the Internet

20. The *Repertoire* website continues to be a useful source of information regarding the practice of the Security Council, as evidenced by the feedback received from users. The Secretariat is in the process of upgrading the website to further enhance its search capabilities and make it more user-friendly.

21. To allow access to information as quickly as possible, the Secretariat has posted on its website finalized chapters of the *Repertoire* in an advance version (see annex III to the present report). All chapters of the twelfth and the recently completed thirteenth Supplements have been posted in an advance version on the website. For the fourteenth Supplement (2000-2003), all procedural and constitutional chapters

have been posted in an advance version and the entire volume is expected to be available by the end of 2009.

22. As for the fifteenth Supplement (2004-2007), several chapters are already available in an advance version on the website. It is expected that the remaining chapters will be posted in an advance version by the end of 2009, and the entire volume will be available on the website in early 2010.

23. In addition to the preparation of the *Repertoire*, upon request, the Secretariat provides information on questions relating to both the current and past practice of the Council and its subsidiary organs. Notably, an increasing number of such requests from Member States, as well as from non-governmental organizations, United Nations system staff, students, academic scholars/researchers, and journalists reach the Secretariat through the English website of the *Repertoire*. This past year alone, the Secretariat received around 200 communications and requests for information from all over the world through this channel — and replied to all in a timely and accurate fashion.

C. Publication in language versions (print and electronic)

24. In compliance with General Assembly resolution 55/222, in which the Assembly requested the Secretary-General to publish the future supplements to the *Repertoire* in all six official languages, the tenth Supplement was published accordingly. The Secretariat will continue to submit completed and edited volumes of the *Repertoire* for translation and publication into all official languages. It will also continue to undertake every effort to make the latest chapters of the *Repertoire* available online in the six official languages. While language versions of the eleventh Supplement are expected to be available in hard copy this year, as a major innovation, in response to requests from Member States, the Secretariat has already posted the Supplement on the *Repertoire* websites in Arabic, Chinese, French, Russian and Spanish.[7] Previously, only the English text had been available online.

D. Resources

25. The preparation and publishing of the *Repertoire* would not have been possible without the continued support of the General Assembly. Research assistance from interns has also served as an important resource for the work on the *Repertoire*. Voluntary contributions to the trust fund for the updating of the *Repertoire* remain an important element for sustaining progress in an environment of financial constraint. The Secretariat is grateful to those Member States which have contributed to the trust fund, thereby making it possible to retain the services of qualified temporary staff assisting in the preparation of the *Repertoire*. Since the last report (A/63/98), additional contributions to the trust fund have been received from Croatia and the Russian Federation. In addition, the sponsorship by Germany, Italy and Norway of associate experts who have been making a valuable contribution to

[7] Arabic: www.un.org/arabic/sc/repertoire; Chinese: www.un.org/chinese/aboutun/prinorgs/sc/repertoire; English: www.un.org/Depts/dpa/repertoire; French: www.un.org/french/docs/cs/repertoire; Russian: www.un.org/russian/sc/repertoire; Spanish: www.un.org/spanish/Depts/dpa/repertoire.

advancing the work on the *Repertoire*, have helped the Secretariat move closer to its goal of updating the publication. That challenge, however, remains to be met fully. Member States are therefore encouraged to continue to support the *Repertoire* through their voluntary contributions.

E. Conclusions

26. **With respect to the *Repertoire of the Practice of the Security Council*, in the light of the foregoing and the recommendations made by the Special Committee on the Charter of the United Nations at its session held from 17 to 25 February 2009, the General Assembly may wish:**

(a) **To note the progress made towards the updating of the *Repertoire*;**

(b) **To note the implementation of efficiency-enhancing measures to expedite the preparation of the *Repertoire*;**

(c) **To note the continued posting of the *Repertoire* in electronic form in all language versions on the United Nations website;**

(d) **To reiterate its call for voluntary contributions to the trust fund for the updating of the *Repertoire*;**

(e) **To note with appreciation the support which Germany, Italy and Norway have extended by sponsoring, on a voluntary basis, associate experts to assist in the preparation of the *Repertoire*, and to encourage other Member States in a position to do so to consider providing such assistance.**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations*

Department	*Repertory volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (1) (a), 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Office for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8[a] and 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

* This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various points in time since 1996 and is subject to review by the Committee.

[a] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Status of the *Repertory of Practice of United Nations Organs* (July 2009)

Legend:

Volumes published and on Internet | Studies submitted for publication | Studies on Internet (not submitted for publication) | Studies in preparation or in review | Cross reference to the *Repertoire* of the Security Council

Note: The organization of studies in volumes, as indicated below, relates to Supplements Nos. 6 to 9, and varies for the *Repertory* and Supplements Nos. 1 to 5.

Volumes, Articles (paras. in parentheses)	*Original Repertory*	*Supplements*								
		1	*2*	*3*	*4*	*5*	*6 (1970-1984)*	*7 (1985-1988)*	*8 (1989-1994)*	*9 (1995-1999)*
Volume I							I	I	I	I
Articles 1-8										
Volume II							II	II	II	II
Articles 9, 13 (para. 1a, second sentence), 14-16, 18-22										
Articles 10-12										
Article 13 (1b, 2)										
Articles 13 (1a, 1), 17										
Volume III							III	III	III	III
Articles 23-25										
Article 26										
Articles 27-51									1992	1995 1999
Articles 52-54										
Volume IV							IV	IV	IV	IV
Articles 55 (a, b, c), 56-61, 62 (1, 3), 62 (4), 63, 64, 66-72										
Articles 62 (2), 65										
Volume V							V	V	V	V
Articles 73-91										
Volume VI							VI	VI	VI	VI
Articles 92-96, 98 (section dealing with treaties), 102, 106-111										
Articles 99, 103-105										
Article 100										
Articles 97, 98 (partially prepared)										
Article 101										

Studies prepared between 1954 and 1980

Studies prepared between 1996 and 2009

Annex III

Status of the *Repertoire of the Practice of the Security Council* (July 2009)

Volumes published and posted on the Internet	Chapters completed and posted on the Internet in advance version	Chapters in preparation

Repertoire/ Supplement	*Procedural chapters*							*Constitutional chapters*				*Languages (published)*
	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	
Original volume 1946-1951													English, French
Supplement I 1952-1955													English, French
Supplement II 1956-1958													English, French
Supplement III 1959-1963													English, French
Supplement IV 1964-1965													English, French
Supplement V 1966-1968													English, French
Supplement VI 1969-1971													English, French
Supplement VII 1972-1974													English, French
Supplement VIII 1975-1980													English, French
Supplement IX 1981-1984													English, French
Supplement X 1985-1988													Arabic, Chinese, English, French, Russian, Spanish[a]
Supplement XI 1989-1992													English; advance Arabic, Chinese, French, Russian and Spanish versions posted on Web
Supplement XII 1993-1995													
Supplement XIII 1996-1999													
Supplement XIV 2000-2003													
Supplement XV 2004-2007													
Supplement XVI 2008-2009													

[a] As mandated by the General Assembly in resolution 55/222, this Supplement and future Supplements of the *Repertoire* are to be published in all official languages of the United Nations.

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Sixty-fourth session
Item 95 (g) of the preliminary list*
General and complete disarmament

Conventional arms control at the regional and subregional levels

Report of the Secretary General

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I. Introduction

1. In its resolution 63/44 of 2 December 2008 on conventional arms control at the regional and subregional levels, the General Assembly, convinced that conventional arms control needed to be pursued primarily in the regional and subregional contexts, since most threats to peace and security in the post cold-war era arose mainly among States located in the same region or subregion, decided to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels and requested the Secretary-General to seek the views of Member States on the subject and to submit a report to the General Assembly at its sixty-fourth session.

2. Pursuant to that request, on 12 March 2009, the Secretariat sent a note verbale to Member States requesting their views on the subject. As of the writing of the present report, replies have been received from the following States: Bosnia and Herzegovina, Chile, Colombia, Greece, Lebanon, Mexico, Oman, Pakistan and Spain. These replies are reproduced in section II below. Subsequent replies will be issued as addenda.

II. Replies received from Member States

Bosnia and Herzegovina

[Original: English]
[5 June 2009]

1. Bosnia and Herzegovina signed the Open Skies Agreement, and as a State member of the OSCE it participates in the implementation of the Vienna Document 1999. Bosnia and Herzegovina is also a member State signatory to the Agreement on Sub-regional Arms Control, article IV. In addition to Bosnia and Herzegovina, the following States have signed the agreement: Croatia, Serbia and Montenegro.

2. In 2008, the Armed Forces of the Bosnia and Herzegovina Inspection Teams participated in inspections in the area of confidence security building measures (4 active and 4 passive quotes), by which the arms holdings verification for 2008 has been ensured.

3. In accordance with article V of annex 1-B of the Dayton Peace Accord, there have been two verification missions, as mutual evaluation visits between Bosnia and Herzegovina and Germany. These visits were conducted within the context of provisions of the Vienna Document 1999 and inspection teams included guest inspectors from the South-East Europe region.

4. In 2008, there were regular and special meetings of the Sub-regional Commission for Consultations, and the Armed Forces of Bosnia and Herzegovina experts provided assistance to the Commission members on a required basis.

5. The Bosnia and Herzegovina Ministry of Defence continued to provide support to RACVIAC (Regional Arms Control Verification and Implementation Assistance Center — Center for Security Cooperation) during the past year through the participation of its representatives in the Multinational Advisory Group work as well

as through the permanent presence of our three representatives on the RACVIAC staff.

6. The Bosnia and Herzegovina Ministry of Defence and Armed Forces experts participated in programme activities in the capacity of guest experts and instructors for education of the course and seminar attendees organized by RACVIAC last year.

7. The Bosnia and Herzegovina Ministry of Defence commitment is to continue the implementation of these agreements and to establish new ways of cooperation in the area of security directed towards transparency and confidence-building measures for both the parties to the agreement and other participating States.

8. Finally, we emphasize that the Bosnia and Herzegovina Ministry of Defence does not have any specific recommendations (positions) regarding paragraphs 2 and 3 of General Assembly resolution 63/44.

Chile

[Original: Spanish]
[20 April 2009]

1. Chile believes that gradual and incremental strengthening of regional mechanisms at the regional and subregional level contributes synergetically to the achievement of international peace and security. The region of Latin America and the Caribbean — where nearly all countries have signed and ratified such international instruments as the Non-Proliferation Treaty and the Conventions on the prohibition of biological and chemical weapons — has achieved major successes as regards confidence-building measures and transparency in respect of armaments. Particular attention should be drawn to the Inter-American Convention on Transparency in Conventional Weapons Acquisitions.

2. Chile is President pro tempore of the Union of South American Nations (UNASUR) for the period 2008-2009; the establishment, on 16 December 2008, during its tenure, of the South American Defence Council (CDS) marks a milestone on the road towards cooperation in this area. The Council is not a supranational organ but rather UNASUR's consultation, cooperation and coordination organ in matters of defence.

3. The Council will act in a manner that is consistent with complete respect for the sovereignty and territorial integrity of States and non-intervention in their internal affairs. At the same time it confirms the full validity of democratic institutions and fosters peace and the peaceful solution of disputes and preserves and strengthens South America as a zone that is free of nuclear weapons and weapons of mass destruction.

4. The Council's specific goals are to: move ahead gradually with the analysis and discussion of subjects common to a shared vision of defence; encourage the exchange of information with a view to identifying risk and threat factors to regional and world peace; contribute to the formulation of joint positions on such matters; strengthen the adoption of confidence-building measures; encourage cooperation in the defence industry; share experiences and support humanitarian actions such as de-mining and assistance to victims of natural disasters, and in United Nations peacekeeping operations.

5. The first meeting of Ministers of Defence of the South American Defence Council was held on 10 March 2009; it resulted in the adoption of a plan of action 2009-2010, which focuses on the following four central themes:

- Defence policies
- Military cooperation, humanitarian actions and peacekeeping operations
- Defence industry and technology
- Education and training

6. The above-mentioned plan of action and the Declaration adopted at the first meeting of Ministers of Defence of the UNASUR South American Defence Council can be found on the website of the United Nations Department of Disarmament Affairs (www.un.org/disarmament).

Colombia

[Original: Spanish]
[30 April 2009]

Colombia believes it is particularly important to have binding instruments regulating conventional arms control so as to permit greater transparency and build confidence. The general principles that should be taken into account when drafting regional and subregional agreements on conventional arms control are as follows:

General principles

- Regional and subregional agreements should be consistent with the principles and purposes of the United Nations, as noted in Article 52 of the Charter
- Recognition that arms control, disarmament and non-proliferation are essential to peace and international security
- Respect for international law, including human rights law and international humanitarian law
- Respect for the principles established in the Charter of the United Nations, particularly the inherent right to self-defence, sovereignty and equality of all States and non-interference in internal affairs
- Right of all States to produce, export, import, transfer and possess conventional arms for their own self-defence
- Right and obligation of States to safeguard their population and maintain control over their territory in view of the various forms of armed violence resulting from the actions of illegal armed groups, organized crime and common criminals, which affect each State internally and its ability to respond
- Recognition of the fact that transferring arms to non-State actors has a negative impact on the internal security of all States, for such arms can be used to commit crimes against humanity or serious violations of international humanitarian law
- Establishment of mechanisms that make it easier to control international transfers of arms and to prevent the latter from being diverted to the illicit

market, in particular to illegal armed groups or non-State actors on the fringes of the law, organized crime and common criminals

- Prohibition of the transfer of conventional arms to non-State actors
- Recognition of the importance of dialogue and cooperation among States on issues of security and defence, with a view, inter alia, to improving conventional arms control systems, enhancing transparency of transactions and building confidence
- Adoption of general measures to improve systems for monitoring and controlling conventional arms, taking into account the different situations and capacities of each State
- Establishment of measures and procedures to control and monitor all aspects of conventional arms trade, including identification and monitoring of end users
- Establishment of measures and clear procedures for the proper handling, collection, storage and final disposition of conventional weapons.

Greece

[Original: English]
[22 May 2009]

Greece, as party to the Treaty on Conventional Armed Forces in Europe, recognizes the relevance and value the above-mentioned Treaty, which is a cornerstone of European security.

Lebanon

[Original: Arabic]
[23 June 2009]

The Ministry of National Defence emphasizes the following main principles that could serve as a framework for regional agreements on conventional arms control:

- Full compliance with United Nations resolutions and respect for the Charter of the United Nations in regard to this matter;
- Priority focus on the resolution of international disputes, in particular the Arab-Israeli conflict;
- The equality of States in terms of sovereignty and territorial integrity, prevention of an arms race, and confidence-building;
- A commitment to implementation by all concerned regional States, in order to avoid any repetition of the state of affairs relating to the Treaty on the Non-Proliferation of Nuclear Weapons; and the need for accountability in the event of non-compliance;

- Control of the manufacture and transfer of arms and suppression of the smuggling of and illicit trafficking in arms, in order to ensure that they do not fall into the hands of terrorists;
- The enactment of legislation at the regional and international levels to limit the proliferation of such weapons, while allowing for the possibility of their individual or collective use to resist occupation or defend territory;
- The strengthening of multilateralism as a means of furthering negotiation on arms regulation and disarmament.

Mexico

[Original: Spanish]
[29 April 2009]

1. Mexico considers that conventional arms control at the regional and subregional levels is a fundamental factor in confidence-building and the prevention of conflicts between States.

2. In the context of conventional arms control at the regional and subregional levels, Mexico has always acted in accordance with the principles of the Charter of the United Nations and the Charter of the Organization of American States by promoting the implementation of confidence-building measures and compliance with obligations intended to implement them as means of promoting transparency and the exchange of information in the region.

3. As regards the implementation of arms control measures, Mexico would like to make the following suggestions:

(a) The Conference on Disarmament should consider developing principles that can serve as a framework for regional agreements on conventional arms control; Mexico will not only be actively involved in the negotiations but will also closely follow up issues raised during the negotiations;

(b) Regional and subregional agreements for the harmonization of the marking systems of the various arms and ammunition manufacturing companies should be promoted;

(c) States should take the necessary steps to expedite procedures for dealing with requests for cooperation in the tracing of firearms, ammunition and explosives, and;

(d) A body responsible for ensuring effective conventional arms control at the regional and subregional levels should be established under the Office for Disarmament Affairs.

Action at the national level

4. With regard to measures for transparency in the acquisition, development and deployment of conventional and strategic weapons, Mexico provides information annually to the United Nations for inclusion in the United Nations Register of Conventional Arms and to the Organization of American States under the standardized international reporting system on military expenditure. Such reporting helps to strengthen confidence-building measures in the field of conventional arms.

5. Mexico has an Integrated Ballistics Identification System (IBIS), which is a register of 66,000 ballistic fingerprints both of seized weapons and of spent casings and fired bullets recovered at crime scenes.

6. The Ministry of Defence, in coordination with state and municipal governments, periodically carries out arms in exchange for payment campaigns aimed at reducing the number of weapons in the hands of civilians and ultimately facilitating the implementation of arms control measures in the interior of the country.

7. The Ministry of Defence is also responsible for the strict control, custody and marking — for the purposes of identification — at the national level of weapons decommissioned by the Government of Mexico; such weapons are then disposed of or destroyed provided they are not the subject of any criminal investigations. Additionally, the Ministry of Defence has implemented rigorous procedures for the management of police-issue weapons whereby justifications for specific equipment are subjected to analysis, verification and validation prior to approval.

Action at the regional and subregional levels

8. Mexico has signed a number of agreements with the United States Department of Defense to establish military personnel exchange programmes as a means of strengthening the ties of friendship and understanding between the armed forces of Mexico and those of the United States of America.

9. Mexico continues to carry out the necessary consultations to explore the prospects for acceding to the Inter-American Convention on Transparency in Conventional Weapons Acquisitions.

10. Mexico was actively involved, as a member, in the work of the so-called core group of countries of the Oslo Process charged with negotiating a legally-binding instrument on cluster munitions.

11. In that connection, on 16 and 17 April 2008, Mexico hosted a Regional Conference for Latin America and the Caribbean with the objective of disseminating among the participants information about the substance of the Oslo Process consultations, promoting the signature of the Wellington Declaration and encouraging the countries of the region to participate in the Diplomatic Conference to be held in Dublin from 19 to 30 May 2008, where the future treaty on cluster munitions will be negotiated.

12. As a result of the Regional Conference, Bolivia, Chile, El Salvador, Nicaragua, Panama and Venezuela (Bolivarian Republic of) signed the Wellington Declaration, thus ensuring greater regional representation at the Dublin Diplomatic Conference.

13. During the Dublin Diplomatic Conference on Cluster Munitions, Mexico, together with 106 other States, including 19 countries from the region, adopted the Convention on Cluster Munitions.

14. Subsequently, Mexico participated in the Regional Conference for Latin America and the Caribbean on Cluster Munitions held in Quito, Ecuador, from 6 to 7 November 2008; its goal was to urge countries of the region to participate in the signing ceremony of the Convention, which was held from 2 to 4 December 2008 in Oslo.

15. In recognition of Mexico's efforts in the context of the Oslo Process, the Government of Norway honoured our country as one of the first to sign the Convention, together with Austria, the Holy See, Ireland, Laos, Lebanon, Norway, New Zealand, Peru and Zambia.

16. The Mexican Senate unanimously approved the Convention on 11 March 2009 and its implementing decree was published in the *Diario Oficial* of the Federation on 16 April 2009. Mexico will be in a position to deposit its instrument of ratification as soon as the relevant formalities are completed (tentatively 30 April).

Oman

[Original: Arabic]
[20 May 2009]

I. Introduction

Pursuant to the two above-mentioned resolutions and the request of the United Nations Office of Disarmament Affairs that the Ministry of Foreign Affairs of Oman should provide it with a statement of principles that could serve as a framework for regional agreements on conventional arms control, with a view to a report being submitted to the sixty-fourth session of the General Assembly, and in order to facilitate the preparation of the report of the Secretary-General, we affirm that Oman is committed to implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and has enacted legislation regulating trade in arms and ammunition that covers automatic, conventional and traditional weapons. The measures applied by the national authorities ensure control of illicit trafficking in all types of conventional and non-conventional weapons.

II. National focal point

In accordance with the requirements of the United Nations Programme of Action on Small Arms, Oman has established a national focal point in the Royal Oman Police, which is the agency responsible for arms regulation, and for the suppression of illicit trade in small arms and light weapons conventional or traditional weapons, and implementation of the Programme.

III. National legislation

The main arm regulating legislation in Oman includes the Weapons and Ammunition Law (No. 36/90) and its amendments, and the relevant implementing regulations (No. 22/98). That legislation addresses the handling of all types of weapons. Its essential elements are as follows:

- Possession of firearms without a licence from the Inspector-General of Police and Customs is prohibited. Such licences are issued under the strictest of conditions to specific individuals for personal and security reasons.

- Licences may not be issued to any person who has been convicted of a crime or misdemeanour in which a weapon was used, has been proven to suffer from mental or psychological illness, or has failed to demonstrate proficiency in the security precautions to be followed when handling any type of weapon.

- Licences may not be granted to anyone convicted of a terrorist crime or imprisoned for a crime involving explosives, drug trafficking or arms trafficking.

- Licences to carry weapons are issued by the Inspector-General of Police and Customs on a personal basis. The Law prohibits the transfer of licensed firearms to a third party without prior authorization from the Inspector-General of Police and Customs or his authorized representative, in accordance with established procedures.

- The import of automatic and conventional arms or ammunition without a licence from the Inspector-General of Police and Customs is prohibited. Such a licence specifies the type of weapon or ammunition licensed for import. The Inspector-General of Police and Customs may refuse to issue or shorten the duration of a licence, specify the type of arms or ammunition to be imported under it, and impose any other conditions he feels are necessary for the maintenance of public security. He may also suspend or revoke a licence for reasons dictated by security or the public interest.

- The Law specifies the types of arm that may be licensed, namely, smooth-bore firearms (non-rifled); rifled (grooved bore) firearms (rifles and pistols) and automatic firearms (rifles and pistols).

- The Law does not allow the licensing of silencers, noise-reducing devices, telescopic sights which are affixed to firearms, machine guns, automatic rapid-fire rifles or rapid-fire pistols.

- The Law requires anyone who possesses a licence to trade in conventional weapons to maintain two registers, one of which is an inventory, while the other records sales to licensed purchasers. The registers must be submitted to the security agencies that monitor such activities.

- Strict regulations and conditions apply to the issuance of licences for the import of conventional weapons and ammunition, which is closely monitored by the Royal Oman Police.

- The Inspector-General of Police and Customs determines where licences for trade in conventional weapons and ammunition issued in any part of the country.

- The Royal Oman Police monitors all transactions involving all types of conventional small arms and light weapons and ammunition in order to ascertain compliance with the relevant legislation.

- The Royal Oman Police scrutinizes all conventional small arms and light weapons and ammunition transactions in order to ascertain that they fulfil legal conditions and regulations.

IV. Monitoring of production

There are no factories in Oman engaged in the manufacture of any type of automatic or conventional weapons or ammunition for such weapons.

V. Proofing

The proofing of conventional or small arms and light weapons is an integral part of the manufacturing process. The proof mark provides the following information:

- Place of manufacture
- Name or code of manufacturer
- Batch number
- Serial number of the weapon or its components

Proof information is recorded in special registers to facilitate the monitoring of all weapons.

When a weapon is licensed, the Royal Oman Police records the proof information of the weapon before the owner takes possession. The proof information can be used to trace the weapon should it be used in the commission of a crime.

VI. Export procedures

There are no factories in Oman engaged in the manufacture of any type of automatic or conventional weapons or ammunition for such weapons. Consequently, Oman exports no weapons or ammunition.

VII. Import procedures

No weapons of any kind may be imported without the approval of the competent security agencies. Weapons are imported through legitimate companies that are licensed to import weapons.

All entry/exit points are monitored with a view to halting the smuggling of all types of weapons and ammunition and the illicit trade therein. In addition, the most modern equipment and latest methods are used in the detection of and search for weapons.

VIII. Transfer and retransfer

Conventional or other weapons may not be transferred from one location to another without the approval of the Royal Oman Police at both the origin and destination points. Strict security procedures are followed during loading, transfer, unloading and storage.

IX. End user certificate

With regard to weapons licensed by the Royal Oman Police, end user certificates are issued by its supervisory division. Comprehensive measures are taken to record the data for all weapons in special registers.

X. Control of weapons depots

Weapons are stored in special depots that meet all conditions required for the safe storage of weapons.

The authorities employ guards who have been thoroughly trained in the protection of weapons depots and emergency response.

The contents of each depot is registered and documented with respect to quantity, type, serial number and the distinguishing marks of each weapon; special surveillance equipment is used to protect depots.

Periodic and unannounced inspections are performed by specialized committees in order to ensure that proper safety and storage procedures are being followed.

Annual inventories are performed in order to verify the stock and transfer activity of weapons and ammunition depots.

Seized, confiscated or surplus weapons are melted down.

XI. Training, capacity-building and research

State agencies engaged in combating the illicit trade in conventional small arms and light weapons and ammunition strive to develop the technical and specialist skills of their employees in all aspects of crime prevention, including crimes related to the illicit trade in arms of all types. They do so by:

- Organizing training courses on fighting crime, including the illicit trade in weapons. Those courses are aimed at developing trainee capacities in procedural and legal matters and training them in the latest scientific and technological investigation methods;
- Organizing specialized training courses on the storage and control of weapons and the management of weapons depots;
- Dispatching crime-fighting specialists abroad, particularly those working in the area of the illicit trade in weapons, for training in the latest methods of fighting crime;
- Organizing seminars on crime fighting, including the illicit trade in drugs and weapons, in which all relevant agencies participate;
- Conducting research and studies on combating all forms of crime, including the illicit trade in weapons. All relevant agencies participate in conducting such research and studies, the results of which are used to develop crime-fighting methods;

– Delivering special training programmes to Royal Oman Police officers on combating the illicit trade in weapons.

XII. Small weapons and organized crime

Since the convening of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which took place in Cairo in 1995, Oman has emphasized that, although there is a direct link between organized crime and terrorism, no link had been proven to exist between weapons smuggling and the drug trade, albeit some drug dealers make use of illicit weapons in their criminal activities. Oman is not considered to be a drug-producing country.

XIII. Cooperation with civil society and non-governmental agencies

The security agencies strive to include civil society in efforts to fight crime, including the illicit trade in small arms and light weapons, at the national, regional and international level. They do so by:

– Supporting the creation of crime-fighting groups, with a view to strengthening efforts aimed at involving citizens in fighting crime; raising awareness of how to guard against crime; conducting social studies, with a view to analysing the components and dimensions of crime; and publishing brochures to raise awareness of the dangers of crime;

– Supporting the efforts of such groups through the Royal Oman Police by participating in their work, encouraging public involvement in the crime prevention efforts of the police and providing those institutions with structural and organizational support.

XIV. Awareness-raising

The agencies concerned with combating the illicit trade in conventional small arms and light weapons and drugs distribute informational materials via the press, television and the Internet in order to raise public awareness of the dangers of the possession of and trade in drugs or conventional small arms and light weapons, or the unlicensed possession and trade in such weapons, and the deleterious effect thereof on human beings and society.

Persons engaged in combating the illicit trade in weapons are informed of regulations and laws that are relevant to their field of work through the inclusion of pertinent information in the educational curriculum and through training courses.

The security agencies also help to raise public awareness by analysing the security dimensions of social problems and employing the results of those studies to conduct awareness-raising campaigns using various media and by holding meetings in universities, colleges, schools, civil societies, places of worship and sporting and social clubs.

The Royal Oman Police has established special telephone numbers for reporting emergencies and crimes. Those numbers are 9999 and 1444, each of which is connected to multiple lines.

XV. Recommendations

We urge influential States to fulfil their international responsibility with regard to the maintenance of international peace and security by providing other States with the expertise, technology and funds they require for development of their proofing systems, as well as any other assistance that may be necessary in that regard.

XVI. Priority matters for Oman

Oman believes that emphasis should be placed on international cooperation to control the cross-border smuggling of illegal automatic or conventional weapons and the exchange of information in that regard.

It also emphasizes the importance of cooperation in respect of the provision of technical assistance to enable States to improve their proofing systems, thereby preventing the obliteration or alteration of the features of weapons or any data imprinted thereon.

Oman would welcome any international instrument aimed at curbing the illicit trade in all types of weapons and the proliferation thereof, without prejudice to the right of peoples living under occupation to take up arms in self-defence.

XVII. Confidence-building measures in the field of conventional arms

The licensing of conventional weapons is addressed by article 5 and schedule 2 of the Weapons and Ammunition Law, and its implementing regulation, promulgated by Royal Decree No. 36/90 *mim* of 10 March 1990. Article 5 provides that, with respect to the weapons in schedule 2:

- The applicant shall be an Omani national;
- The applicant shall be not less than 25 years old;
- The applicant shall furnish a medical certificate endorsed by a Government doctor attesting that he is free of mental or psychological disease;
- The application shall be considered by the competent officials in the Royal Oman Police, who will decide the outcome of the application.

Pakistan

[Original: English]
[1 April 2009]

1. The annual General Assembly resolution entitled "Conventional arms control at the regional and sub-regional levels" relates to an issue of utmost importance and urgent task facing the international community.

2. Peace and security and socio-economic development are indivisible. Continuing arms acquisitions impede the freeing up of vital resources for the socio-

economic development of the peoples of the world and the realization of the objectives of the Charter of the United Nations. It adversely affects social and economic development. Such a situation is not conducive for a genuine and lasting peace. The question of arms control is, therefore, of great significance to international and regional peace, security and stability.

3. Among genuine measures of arms control, together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued. In parallel with measures for arms control at the global level, conventional arms control needs to be pursued in the regional and subregional contexts, since most threats to peace and security in the post-cold war era arise mainly among States located in the same region or subregion.

4. Regional arms control measures should be taken at the initiative and with the participation of States concerned and must take into account the specific characteristics of each region, the quantitative aspects of the forces which are the subject of arms control and disarmament measures and the asymmetries that might exist among various countries and the need to eliminate such asymmetries.

5. States with the largest military arsenals have a special responsibility in pursuing the process of conventional arms reductions and promoting agreements for the region's security.

6. The limitation and reduction of conventional arms and armed forces could relate to weapons and manpower and include their deployment as well as force postures.

7. Moreover, arms control measures should be guided by the following considerations:

- The adoption of such measures should take place in such an equitable and balanced manner as to ensure the right of each State to security, in accordance with the principle of "equal security for all";
- At no stage should individual States or groups of States obtain advantage over others;
- Security should be maintained at the lowest possible level of armaments and military forces;
- Arms control measures should fully respect the inalienable right to self-determination and independence of peoples under colonial or foreign domination;

8. For arms control measures to succeed at the regional and subregional levels, it is important to address the causes of the arms race. In this context, it is important to point out that in most regions of the world, dangerous and destabilizing arms build-ups are the consequence of tensions and disputes, instead of the cause.

9. While arms control measures do help in the management of relationship between States, such measures alone cannot ensure lasting peace and security between States. They should be pursued in parallel with earnest efforts for the peaceful settlement of disputes in accordance with the Charter of the United Nations, which provides for a solution by negotiation, enquiry, mediation,

conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means chosen by the parties concerned.

10. Addressing the underlying causes of conflicts such hegemony, domination, foreign occupation, economic disparity and racial discrimination will create an environment of trust and security which is essential for the success of arms control and disarmament measures.

11. While arms control measures at the regional and subregional levels have to be pursued freely by the States of the region concerned, the international community can also contribute significantly to the objective of durable regional peace and stability by promoting a comprehensive and non-discriminatory regional approach and avoiding policies that create military imbalances or exacerbate existing disparities between the countries of the region.

12. Pakistan seeks to maintain strategic stability in South Asia through arms control and restraint proposals based on the universally agreed principles of equal security for all. The objectives of these proposals are to avoid an arms race in the region and the attainment of conventional stability. Among other things, the proposals relate to non-acquisition or deployment of destabilizing weapons systems and the adoption of force postures and military doctrines with non-offensive orientation.

Spain

[Original: Spanish]
[20 May 2009]

1. The ultimate goal of any system of arms control or confidence-and-security-building measures should be to prevent conflicts by reducing the dangers of misunderstanding or miscalculation of military activities of other countries; taking steps to impede covert military preparations; reducing the risk of surprise attacks; and reducing the risk of the outbreak of war by accident.

2. The measures agreed upon may be legally or politically binding, but in any case should meet a series of requirements that can be summed up in the following principles:

- *Specificity*. Measures should be specifically negotiated for each case and each geographical area.
- *Transparency*. This should be based on exchanges of information and the establishment of regular contacts and free-flowing communication.
- *Verifiability*. The measures adopted should include a system for verifying their implementation. This is the only way to maintain confidence in cases of suspected non-compliance.
- *Reciprocity*. Each party's gains in terms of a higher level of confidence in the other parties should be matched by similar gains in the other parties' levels of confidence. Otherwise, measures of this type will be much harder to negotiate.
- *Voluntary nature of negotiations and mandatory nature of compliance*. The parties should feel comfortable with the measures agreed at each stage of the process. In addition, the political will required for the negotiation of measures

of this type should be commensurate with the mandatory nature of compliance with these measures.

– *Progressivity*. The measures should be seen as a process in which new and more effective measures are progressively developed as confidence between the parties improves.

– *Complementarity*. Care should be taken at all times to ensure complementarity between the measures adopted at the global (United Nations), regional, subregional and bilateral levels and to avoid the duplication of measures.

3. Moreover, an arms control regime, in order to be effective, requires:

– A consultative body to monitor the measures' implementation. All the parties should be represented in such a body, which should provide for the reporting of any problems encountered in the practical application of the measures, as well as for the negotiation of new measures or the modification of existing ones. This body should be able to exert enough political pressure to convince the parties of the need for full compliance with the commitments undertaken (the involvement of the most powerful countries in each region is therefore extremely important).

– A suitable system of communications that enables the parties to meet the response deadlines laid down in the various measures and that is flexible enough to ensure the flow of information needed to restore confidence in the event of any disturbances.

4. The establishment of confidence-building measures, especially among affected neighbouring States, the strengthening of border controls and the training of specialized staff, among other arrangements, could create a propitious environment for the elaboration of supranational (including subregional and regional) arms control agreements.

5. In addition, regional and subregional conventional arms control agreements should take into account the importance of:

– Establishing new confidence-building measures among neighbouring countries and strengthening those currently in place;

– Increasing transparency measures within the regional and subregional forums themselves;

– Disseminating the objectives of such forums to countries in the area that have not yet endorsed them;

– Compiling an arms inventory in the countries where such inventories do not yet exist;

– Strengthening measures to promote universal adherence to the various international instruments;

– Enforcing strict requirements for export and import permits;

– Strengthening mechanisms for monitoring weapons manufacturers and, in cases where the weapons purchased are not end products, suppliers and component assemblers.

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Item 62 (c) of the preliminary list*
Social development: follow-up to the International Year of Older Persons: Second World Assembly on Ageing

Follow-up to the Second World Assembly on Ageing

Report of the Secretary-General

Summary

The present report is submitted in response to General Assembly resolution 63/151. The main focus of the report is the promotion and protection of human rights as they pertain to older persons in the context of the implementation of international legal and policy instruments as well as national action.

* A/64/50.

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I. Introduction

1. The present report focuses on the promotion and protection of human rights as they pertain to older persons, as well as an analysis of national capacity-building and examples of good practices at the national level, particularly with respect to national action in the area of rights of older persons. It examines the rights of older persons in the context of both international policy documents on ageing and international legal instruments. Furthermore, existing infringements on the rights of older persons are highlighted, namely those regarding age discrimination and abuse and violence. Possible next steps for action and conclusions and recommendations are presented at the end of the report.

2. The report is based on information from Member States submitted to the United Nations Secretariat in the form of national review and appraisal reports in the context of the first review and appraisal of the Madrid International Plan of Action on Ageing 2002,[1] information from the regional commissions of the United Nations on regional review and appraisal efforts, as well as findings of an expert group meeting on the topic "Rights of older persons", convened by the Department of Economic and Social Affairs of the Secretariat in Bonn, Germany, from 5 to 7 May 2009, where experts and representatives from international non-governmental organizations (NGOs) discussed the current state of the rights of older persons and suggested possible future options to enhance those rights.

II. Developmental significance of ageing

3. Owing to declines in fertility and rising longevity, the world is ageing at an ever increasing pace. In the more developed regions, the population aged 60 and over is expected to increase by more than 50 per cent over the next four decades, rising from 264 million in 2009 to 416 million in 2050, while in the developing world the 60 and over population is projected to triple from 473 million in 2009 to 1.6 billion in 2050. The older population itself is ageing at an accelerated rate with those aged 80 and over projected to increase fourfold, to reach 395 million in 2050.[2] Older women also continue to outnumber older men, as they account for 54 per cent of all persons aged 60 years and over and 63 per cent of those aged 80 years and over, worldwide.

4. Such massive demographic changes point to major challenges for development. The growing numbers of older persons need to have adequate income support as they age, opportunities to engage in decent employment should they wish to remain economically active, and access to appropriate health-care services, including long-term care. In developed countries, some degree of progress has been made in meeting these objectives. In developing countries, however, owing to changes in family structures, migratory patterns and increasing urbanization, growing numbers of older persons are being left without traditional family support, especially those in rural areas. The feminization of ageing, where the numbers of older women eclipse that of older men, also presents some major challenges for

[1] *Report of the Second World Assembly on Ageing, Madrid, 8-12 April 2002* (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution 1, annex II.

[2] Population Division of the Department of Economic and Social Affairs, *World Population Prospects: The 2008 Revision*, Highlights (2009), Working Paper No. ESA/P/WP.210.

policymaking. In many developing countries, a significantly higher proportion of older women than older men are single, outside the labour force and illiterate.

5. Given the steady and rapid rise in the numbers of older persons, there is a need to address ageing within the context of poverty eradication and development policy. This applies both in the short term, to ensure attainment of the Millennium Development Goals by 2015, as well as over the longer term as the older population continues to grow rapidly. Although precise figures on ageing and poverty are not available, estimates indicate that older persons are more likely to be living on less than US$ 1 per day than the population as a whole in all parts of the developing world.[3] Nonetheless, ageing continues on the periphery of internationally agreed goals, as exemplified by the absence of reference to ageing in the Millennium Declaration and the Millennium Development Goals.

6. At the same time, it is important to recognize that older persons are a heterogeneous group, encompassing both people who are major contributors to the development of society, as well as those who are in need of care and support. Regardless of their individual situations, it is critical that older persons not be marginalized, but rather brought into the mainstream of social and economic development. A fundamental way to guard against marginalization is to promote and protect the rights of older persons.

III. Rights of older persons in the context of international policy documents on ageing

7. The international community convened twice within 20 years to consider at the global level the issue of ageing: the First World Assembly on Ageing was held in Vienna in 1982 and the Second World Assembly in Madrid in 2002. The first Assembly and its plan of action recommended a variety of initiatives in employment and income security, health, housing, education and social welfare while focusing on the specific needs of older persons and the socio-economic implications of ageing in developed countries.

8. The Vienna International Plan of Action on Ageing[4] was the first international instrument on ageing, guiding thinking and the formulation of policies and programmes on ageing. It aimed to strengthen the capacities of Governments and civil society to deal effectively with the ageing of populations, to address the developmental potential and dependency needs of older persons and to promote regional and international cooperation.

9. In between the First and the Second World Assemblies on Ageing, the United Nations Principles for Older Persons were adopted in 1991 (General Assembly resolution 46/91, annex). Consisting of five clusters (independence, participation, care, self-fulfilment and dignity) that relate to the status of older persons and their contribution to society, the Principles were an important policy tool, which, among other things, influenced the conceptualization of the Madrid International Plan of

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[3] See, for example, HelpAge International, "Poverty, work and pensions" (2008); and Sandra Huenchuan, editor, *Envejecimiento, derechos humanos y políticas públicas* (United Nations publication, Sales No. S.08.IIG.94).

[4] See *Report of the World Assembly on Ageing, Vienna, 26 July-6 August 1982* (United Nations publication, Sales No. E.I.16), chap. VI, sect. A.

Action on Ageing. The Principles recognize the peoples' faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of women and men as reaffirmed in the Charter of the United Nations. The Principles also predicate that the elaboration of those rights in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and other instruments ensure the application of universal standards to older persons. It should be noted that the policy guidance provided under the five Principles correlates well with the rights encoded in the International Covenant on Economic, Social and Cultural Rights.

10. In 2002, the focus of the Madrid Assembly shifted the existing policy framework considerably: it promoted the view of ageing from the perspective of both developing and developed countries. An intergenerational policy approach that pays attention to all age groups with the objective of creating a society for all ages and a shift from developing policies for older persons towards the inclusion of older persons in the policymaking process were major outcomes of the Madrid Assembly. This shift lays the foundation for participatory approaches which consist of taking the views and opinions of older persons into account when developing and implementing policies that affect them. The international community in Madrid emphasized the importance of mainstreaming the concerns and needs of older persons into development policies and programmes at the international and national levels.

11. The Madrid Plan serves as the major mandate outlining topics which have been identified by the international community as most important concerning ageing and the lives of older persons. Under the three priority directions, such as older persons and development; health and well-being; and supportive environments for older persons, various issues that pertain to demographic ageing and older persons were agreed upon. Governments committed themselves to furthering the active participation of older persons in society and the labour force as well as access to knowledge, education and training for older persons. Rural development, migration and urbanization, the eradication of poverty, income security, and social protection as well as health promotion and universal and equal access to health-care services were identified as important policy areas in the socio-economic field. Other major health-related commitments centred on older persons and HIV/AIDS, training of care providers and health professionals, older persons and disabilities as well as housing, care and support for caregivers. Neglect, abuse and violence, older persons in emergency situations and images of ageing were also added to newly identified concerns important to older persons everywhere.[5]

12. These three policy documents taken together form an international framework on ageing. However, none of them contains legally binding obligations. Instead, they incorporate norms and precepts which Governments agree to be guided by, but without any requirement to account for adherence. That said, the significance of these international policy documents on ageing should not be underestimated. While their intergovernmental visibility can be lower than that of legally binding

[5] Already in 1994, the Programme of Action of the International Conference on Population and Development called for the elimination of all forms of violence and discrimination against older persons. It also drew attention to the greater numbers of older women, and the fact that they tend to have lower socio-economic status than older men.

instruments, they provide greater specificity than these texts and thus offer a useful guide for State action. However, given their non-binding nature, implementation of the international policy documents on ageing can be weak. States often fail to incorporate international standards into national legislation and policy action, as was noted during the review and appraisal exercises of both the Vienna International Plan of Action on Ageing and its successor, the Madrid Plan of Action (see E/CN.5/2001/PC/2 and Corr.1 and A/63/95).

IV. United Nations human rights and older persons

13. The Universal Declaration on Human Rights, 1948, together with the International Covenant on Civil and Political Rights, 1966 and the two Optional Protocols thereto, and the International Covenant on Economic, Social and Cultural Rights, 1966, form the so-called International Bill of Human Rights. None of these instruments explicitly refers to age as one of the prohibited grounds. As stated in paragraph 11 of General Comment Number 6 of the Committee on Economic, Social and Cultural Rights: "Rather than being seen as an intentional exclusion, this omission is probably best explained by the fact that, when these instruments were adopted, the problem of demographic ageing was not as evident or as pressing as it is now". Nonetheless, the Committee recognized, in paragraph 10, that "in view of the fact that the Covenant's provisions apply fully to all members of society, it is clear that older persons are entitled to enjoy the full range of rights recognized in the Covenant".

14. The Committee further acknowledged its role in monitoring State compliance with respect to the promotion and protection of the economic, social and cultural rights of older persons, given that no comprehensive international convention exists in relation to the rights of older persons and no binding supervisory arrangements attach to the various sets of United Nations principles in this area. The Committee has also acknowledged the importance of the recommendations contained in the Vienna International Plan of Action on Ageing and the United Nations Principles for Older Persons concerning independence, participation, care, self-fulfilment and dignity.

15. Several key provisions elaborated in the above-mentioned documents do, however, have a particular relevance to the lives of older persons. These include: the core tenet of non-discrimination and equality; equal rights of men and women; rights relating to work; the right to social security; protection of the family; the right to an adequate standard of living, including adequate housing; the right to physical and mental health; and the right to education and culture. In addition, some treaty monitoring bodies have deliberated on the relevance of human rights for older persons and amplified the responsibilities of States with respect to some key rights.

16. Subsequent international conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women, 1979, made passing reference to older persons with respect to the right to social security in cases of old age. In recent years, however, there has been growing pressure on the Committee on the Elimination of All Forms of Discrimination against Women to pay more specific attention to the rights of older persons. Consequently, at its forty-third session, held in January-February 2009, the Committee constituted a working group on a general comment on the rights of older women, requesting the working group to prepare a

working paper on the proposed general recommendation for discussion by the Committee at its forty-fourth session in July 2009. The Committee also agreed to convene an open meeting with United Nations entities, NGOs and other stakeholders on the proposed general recommendation during the same forty-fourth session.

17. Despite this recent advance in the Committee on the Elimination of All Forms of Discrimination against Women, overall analysis of the international legal instruments points to the existence of a "normative gap" with respect to the rights of older persons. As almost all the key human rights instruments fail to identify age as a prohibited ground for discrimination, the discriminatory experiences of older people become obscured. The one notable exception is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, article 7 of which forbids discrimination on the basis of, inter alia, age. Moreover, the standards which offer older people protection are dispersed through various human rights texts. The numerous obligations on States vis-à-vis older people are implicit in the United Nations human rights instruments but remain invisible for both Governments and the general public, while the obligations on private sector actors and individuals are not well developed. While the interpretative work of the treaty-monitoring committees has begun the process of amplifying the rights of older persons, knowledge of this work remains limited.

18. If States should fail to abide by the commitments that they have signed on to through human rights instruments, this could be termed an "implementation gap". This is clearly distinct from a normative gap where the current provisions fail to provide specific guidance on how to give content and effect to existing norms and to address adequately ongoing practice which denies rights. Instead, an implementation gap suggests a failure to incorporate international standards into domestic legislation and procedures, or a lack of institutions or other actors competent to implement measures that would result in the fulfilment of the relevant rights.[6] A question to be posed is whether the implementation gap is a result of the normative gap, given that existing instruments or provisions have not been successful at providing either the incentive or safeguard to protect the rights of older persons.

19. Evidence of the lack of capacity of existing human rights instruments to effectively protect the rights of older persons can be garnered from an analysis of the reports that Member States submit to human rights monitoring bodies. From 2000 to 2008,[7] the Human Rights Committee, which scrutinizes Government commitments under the International Covenant on Civil and Political Rights, considered 124 State reports. Of these, only three made specific reference to actions taken to address age discrimination, and just one highlighted the vulnerability of older people in long-term care homes. For the same period, the Committee on Economic, Social and Cultural Rights, which assesses compliance with the International Covenant on Economic, Social and Cultural Rights, considered 122 State reports. In these, 24 references were made to older people and their rights. Likewise, during its sessions for the same period, the Committee on the Elimination of All Forms of Discrimination against Women, while assessing progress in

[6] For reference, refer to reports of the Secretary-General submitted to the General Assembly and the Commission for Social Development regarding the review and appraisal of the Madrid Plan.

[7] The present section draws on information which was current as of September 2008; therefore it does not consider State reports submitted at the late fall sessions of 2008.

achieving the Convention, considered 190 State reports, with the experiences of older women referenced 32 times.

20. It is open to question whether such figures provide telling evidence of a lack of action on the part of Governments to address the rights of older persons, but these figures do reveal that many States are "age-blind" in their human rights reporting. Moreover, it should be noted that even those States that referenced older persons were not always testifying to positive actions taken. Instead, some were merely expressing concern for the situations with which older people were faced — although raised awareness is a necessary precursor for action.

21. The above analysis points to the fact that despite the existence of various instruments and undertakings, older persons in all parts of the world continue to face barriers in their participation as equal members of society as well as violations of their human rights. When the rights of older persons are violated, it also impairs their ability to contribute to the overall well-being and diversity of their communities. Promoting the full enjoyment by older persons of their human rights and fundamental freedoms and their full participation will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty.

V. Existing infringements

22. The rights of older persons may be violated in a number of ways, including on the individual and institutional levels. Violation of rights can manifest itself in different ways: in the form of discrimination, or perhaps most seriously in the form of violence, abuse and neglect, typically at the hands of their caregivers.

Discrimination

23. Discrimination against older persons is often a reflection of the fact that the life of older persons is, in some respect, discounted, and not valued in the way that it should be. In addition, discrimination is typically income-related and impedes efforts to the social and economic integration of older persons in society.

24. Older persons are frequently negatively stereotyped or denied opportunities on the basis of their age. This systematic stereotyping and discrimination against people because they have reached a certain chronological point and are considered "old" has come to be known as "ageism". Ageism reinforces a negative image of older persons as dependent people with declines in intellect, cognitive and physical performance, and other areas required for autonomous, daily functioning. As a result, older persons are often perceived as a burden, a drain on resources, and persons in need of care. These perceptions contribute to their vulnerability, which puts their rights at risk.

25. Discrimination of older persons can be apparent in many different ways. For example, in the workplace, older persons may be denied promotional opportunities, have difficulty keeping their jobs, or not given an equal chance during the hiring process simply on the basis of their age. All individuals, including older persons, should have the opportunity to gain a living through engaging in work which is freely chosen or accepted (Committee on Economic, Social and Cultural Rights General Comment 20, para. 29). Older workers as well should enjoy safe working

conditions, and have the chance to work in circumstances that make the best use of their experience and know-how.

26. In the area of pensions, both older women and older men can be discriminated against, particularly in the absence of non-contributory old age benefits and other forms of financial assistance to guard against destitution. Older women may not be entitled to receive an old-age pension as a consequence of the unpaid years they spent as family caregiver, and older men may be denied access to the spouses' pension should they become widowers.

27. Older persons may also be discriminated against with respect to their living situation, including their ability to remain as integral members of their communities. To the extent possible, older persons should be enabled to continue to live in their homes for as long as possible, to avoid both the physical and psychological disruptions involved in moving to an unfamiliar location. Appropriate and adequate means of transportation are also needed so that older persons can remain mobile and remain integrated into the larger community.[8]

28. The area of health care is another domain in which older persons are frequently subject to discrimination, either being denied access to services or receiving substandard or insufficient care on account of their age. Older persons should be entitled to the enjoyment of a satisfactory standard of physical and mental health, with due attention to preventive, curative, rehabilitative and long-term care.

29. Older persons may also be discriminated against with respect to education and culture. Educational opportunities are not just important to younger individuals, and should be available to people throughout their lives through the provision of lifelong learning. The United Nations Educational, Scientific and Cultural Organization recommends informal, community-based and recreation-oriented programmes for older persons to help to develop their sense of self-reliance. Older persons themselves can be important transmitters of knowledge, culture and values to the next generation. This can also help to promote intergenerational solidarity and cohesion, as well as enhance the social integration of older persons into their society by enabling them to effectively participate in the political, social, economic and cultural aspects of community life.

30. Other factors which may contribute to the vulnerability of older persons are that they are more likely than younger adults to be illiterate, poor, and have trouble accessing information about their rights. In addition, the erosion of bonds between generations of families, and the increasing likelihood that younger persons will migrate to other areas leaving their older parents alone, also adds to their vulnerability.

31. Nonetheless, it is important to recognize that a discussion of the promotion and protection of older persons' rights does not presuppose that all older persons as a group are vulnerable and in need of protection. Whereas some older persons are frail and dependent, there are others who remain active and vibrant contributors to society. Many people aged 60 and above continue to work full time in the labour

[8] Article 2 of the Convention on the Rights of Persons with Disabilities defines, inter alia, "universal design" as "the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design" (General Assembly resolution 61/106, annex I). This includes the needs of older persons.

market, earning income and paying taxes. Still others work in unpaid jobs, frequently assuming the role of family caregivers, either to spouses, parents, children or grandchildren.

22. Particularly owing to advances in medical care, active ageing is increasingly becoming the norm, with the emphasis on adding life to one's years rather than simply years to one's life. Accordingly, there has been growing recognition of the contributions that older persons make to their families and communities, whether through paid employment or unpaid activities. Growing numbers of older persons continue to participate and contribute to society as workers, entrepreneurs, volunteers, political activists, grandparents and caregivers to elderly family members and friends. To guarantee that these contributions are valued, the full inclusion of older persons should be pursued to ensure their active participation in the development of society and in community networks, as well as to consolidate a positive image of older persons within social and civil contexts.

Abuse and violence

33. Elder abuse is a serious but preventable threat for many persons in later life. The World Health Organization defines elder abuse as "a single or repeated act of lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person".[9] Since first identified more than 30 years ago as a social problem, elder abuse, like other forms of family or interpersonal violence, has become recognized as a universal phenomenon that cuts across cultural and socio-economic lines. The mistreatment of older people is a complex issue with moral, sociocultural, political, and personal ramifications that often crosses health care, legal, human rights, and ethical domains within society's major institutions.

34. Abuse of older persons consists of the following categories: (a) physical abuse: the infliction of physical harm or injury, physical coercion, or physical restraint (assault) to an older person; (b) psychological abuse: the infliction of mental anguish (verbal, emotional abuse) to an older person; (c) financial or material abuse: the illegal or improper use of funds or resources from an older person (e.g., financial exploitation, theft); and (d) sexual abuse: sexual contact with the older person without their consent (e.g., sexual molestation, rape). Older women tend to be at most risk, as they live longer than men and culturally are often more vulnerable to abuse.

35. Neglect of older adults refers to certain failures to live up to social or legal responsibilities to provide care, support, or assistance to an older adult. Elder neglect is subdivided into active and passive forms: (a) active neglect, where the other person refuses or fails to uphold an expected or legal caregiving obligation, such as providing food, medication, or shelter. Active neglect includes conscious and intentional attempts to inflict physical or emotional distress on an older person; and (b) passive neglect, failure to fulfil a caregiving obligation out of lack of awareness or knowledge of the older person's needs and condition (which might

[9] See World Health Organization, *A Global Response to Elder Abuse and Neglect: Building Primary Health Care Capacity to Deal with the Problem Worldwide: Main Report* (Geneva: World Health Organization, 2008); and World Health Organization/International Network for the Prevention of Elder Abuse "Missing Voices: views of older persons on elder abuse" (Geneva: World Health Organization, 2002).

occur where ageing spouses are caring for each other or adult children do not understand the extent of an ageing parent's frail condition).[10]

VI. Efforts to promote and protect rights of older persons at the national level

36. Although the existing international legal instruments and policy frameworks provide important guidance for action, it is at the national level that programmes to realize the rights of older persons are designed and implemented. In order to effectively guarantee the basic rights of older persons and to prevent violence and abuse against them, legislative measures need to be enacted. Legislative measures can range from legal protections to promote and protect human rights, to guaranteeing equal access to health care, ensuring basic economic security, preventing discrimination and forms of abuse and neglect, and assuring the participation of older persons in important decisions that affect their lives.

37. To gain some insight into the extent to which the rights of older persons are currently being addressed through national legislation, an analysis was conducted of the submissions by Member States for the review and appraisal of the Madrid International Plan of Action on Ageing. Each of the national contributions was scrutinized for references to the human rights of older persons. Although there are limitations to this approach — most notably that Member States were not asked to address specifically the issue of rights in their submissions — some useful information about the promotion and protection of the human rights of older persons at the national level can still be gleaned.

Legal protection

38. Of the 62 national contributions to the review and appraisal process, 52 (84 per cent), raised the issue of the rights of older persons in some manner. Reference to the human rights of older persons in the national submissions was most commonly found in the context of the constitution of the country. In many States, human rights are universally encoded in the constitution but some make specific reference to older persons as a group. This was found to be the case in a broad cross-section of countries, among them, Armenia, Austria, Bangladesh, Cameroon, China, Finland, Ghana, Nepal, the former Yugoslav Republic of Macedonia and Uganda. In Uganda, for instance, the Constitution recognizes the rights of older persons and provides the basis for the enactment of laws to address their rights and needs. The Constitution of Finland goes a step further, and stipulates that the public authorities must provide each resident with adequate social, health and medical services.

39. In many countries, however, there is no specific legislation guaranteeing the rights of older persons. Instead, their rights are protected through general legislation. Following the Second World Assembly on Ageing in 2002, however, some countries mentioned that they were in the process of developing new laws that supported the rights of older persons, and a few countries have already enacted such laws. One example is the Law of the People's Republic of China on the Protection

[10] For definitions, see L. S. Daichman, S. Aguas and C. Spencer, "Elder abuse", in: Kris Heggenhougen and Stella Quah, editors, *International Encyclopedia of Public Health*, Vol. 2 (San Diego: Academic Press, 2008), pp. 310-315.

of the Rights and Interests of Elderly People, which clarifies the rights of senior citizens and stipulates legal punishments for acts infringing on their rights. Another is the Law on the Rights of Older Persons, in Mexico, which established the National Institute of Older Persons as a political institution in support of older persons. In Sri Lanka, the Protection of the Rights of Senior Citizens Act, 2000, among other things, created a statutory National Council of Elders and Secretariat as well as a Maintenance Board to look into and determine the claims for maintenance by parents who have been neglected by their children.

40. In some instances, specific legislation guarantees pension rights and entitlements, providing for individual security in old age. The question of pensions was raised in a number of the national submissions, including those from Albania, Armenia, Austria, Canada, Estonia, France, Lithuania, the Netherlands, Portugal, the Republic of Moldova, Serbia, Sweden, and the former Yugoslav Republic of Macedonia. As a reflection of the lack of social protection provisions for the majority of the world's population, however, the right to pensions was rarely mentioned in countries outside the European Union.

41. This developed world bias was evident again with respect to questions relating to health and care. The rights of people in long-term care facilities were frequently mentioned in submissions. In Germany, for example, the Charter of Rights for People in Need of Long-term Care and Assistance ensures the legal status of such people and their families and provides information and proposals for shaping the care and assistance process. Likewise, in the Netherlands, legislation states that everyone has the right to long-term care in the case of illness or disability. In a number of countries, long-term care residents who felt their rights had been violated were also provided legal recourse.

42. In several of the national submissions, the law had focused on supporting the inclusion of older persons in social life and preserving their autonomy. In the United States, a law on ageing was enacted to enable older individuals to maintain their dignity and to live independently in their own homes and communities. In Bangladesh, the Government attaches importance to independence, participation, care, self-fulfilment and dignity. In Ghana, a National Policy on Ageing was drafted to promote the social, economic and cultural inclusion of older persons into mainstream society, to enable them to participate fully and as far as practicable in national development and social life, while recognizing their fundamental rights.

Age discrimination

43. Another common occurrence was the reference to discrimination of older persons, which was made in 37 of the 62 national submissions (60 per cent). Among the most frequently mentioned areas of concern were employment, the accessibility of quality health care and long-term care, patients' rights, accessible and affordable transportation, pensions and social security, and the right to information and participation of older persons in decisions that affect their lives. In several cases, the guarantee of rights with regard to older persons simultaneously referred to persons with disabilities and women, which in part recognizes the fact that many older persons also have disabilities and the majority of older persons are women.

44. Some countries provided evidence of general programmes designed to tackle discrimination from which older persons clearly benefit. In Lithuania, for example, the National Anti-Discrimination Programme for 2006-2008 aims at ensuring the

implementation of the principle of non-discrimination. One of the goals of this programme is to investigate age discrimination in all spheres of life, develop tolerance of the society, and improve awareness-raising among the public and different social groups with respect to non-discrimination, equal treatment, equal rights and opportunities.

45. Virtually every country in the European Union which submitted a review raised the issue of discrimination in some respect. In many instances, this was related to employment. For example, in Austria, the three most recent European Union directives on equal treatment have been implemented, providing for the extension of the principle of equal treatment to also apply on the grounds of age. As a result, equal treatment is now guaranteed with respect to access to employment, vocational education, occupational advancement and working conditions. As a reflection of the impending labour shortages owing to declining birth rates in Europe, several European Union countries such as Estonia and Sweden have raised the age for retirement to encourage older persons to remain in the labour force for longer periods of time.

Abuse and neglect

46. Of the 62 national submissions made to the Madrid review process, 19 (31 per cent) raised the issue of abuse or neglect of older persons. National legislation exists in several instances with respect to elder abuse. For example, Canada has been recognized internationally as a leader in raising public awareness of abuse of older adults and in developing innovative approaches to dealing with the issue. In Malta, legislation on elder abuse is aimed at providing quality social work service to adults and their children suffering abuse in family and intimate relationships. For its part, Japan enacted the Elder Abuse Prevention and Caregiver Support Law in 2005, which stipulates that efforts to prevent abuse of the elderly and provide support for those who provide care to them should be undertaken mainly by prefectural or municipal authorities. The Protection of the Elderly Persons Act, 2005, was implemented in Mauritius to set up a Protection of Elderly Network to ensure that adequate protection is provided to elderly persons against ill-treatment, be it physical, verbal, emotional harassment or financial prejudice. In South Africa, the Older Persons Act, 2006, provides for the protection of older persons in the event of abuse and provides for the criminalization of offenders.

Institution-building

47. In a few instances, special authorities have been set up to determine if the rights of older persons had been violated. In Hungary, for example, an Equal Treatment Authority monitors discrimination. It can respond to the request of the person whose rights are violated or ex officio in cases specified by law, conduct an administrative investigation to determine whether discrimination occurred, and impose sanctions in cases of unlawful discrimination. Complaints of age discrimination have almost exclusively been work-related to date. Hungary has also established an Elder Rights' Commissioner, under the supervision of the Minister of Social and Family Affairs. Among other functions, elder rights' advocates are employed under the coordination of the Elder Rights' Commissioner.

48. Many States have also focused efforts on increasing the ability of older persons to demand their rights. In a number of cases, these rights are articulated by

councils of older persons. In the Czech Republic, for example, the Government set up a Council for Seniors and Population Ageing. This Council is an opportunity to gain new insights in, and to increase awareness of, needs and conditions of older persons and to support better informed and more sensitive policymaking and decision-making in various settings and areas. Similarly, in Malta, a National Council of Older Persons has been established, with responsibility for protecting the rights of older persons, ensuring their social and economic security and planning a national response to the challenges of population ageing. Other countries which mentioned having an older persons' council include Denmark, Greece, Hungary, Israel, Latvia, Lithuania, Malaysia, Mali, Mauritius, Mexico and Sri Lanka.

49. Reports also highlight ongoing efforts to raise awareness among older persons of their rights. In Thailand, for example, the National Commission on the Elderly supports the production of documentation to disseminate and campaign for the people's knowledge of the Act on Older Persons, 2003. In Spain, the emphasis is placed on initiatives to ensure full awareness of the rights of older persons, both among professionals and among older persons themselves. The Government of Turkey noted that it is necessary to increase the awareness of individuals by fostering solidarity between generations in social, economic, and cultural aspects, with first and foremost education, in order to eliminate all kinds of discrimination and exclusion against elderly people and other disadvantaged groups. In Mexico, a campaign directed at older persons raised awareness of the newly enacted Law on the Rights of Older Persons, while in the Philippines, print and broadcast media were used to promote the rights and welfare of the senior citizens.

50. Although not reflected in the review and appraisal submissions, it is worth mentioning that a number of countries from Latin America have established appeals boards and other mechanisms to protect the rights of older persons.

51. For example, Brazil has established mechanisms which guarantee that the rights of its older people are respected. In Costa Rica and Mexico, there are laws which determine punishments in the case of rights violations. In the Plurinational State of Bolivia, there is a consultative body on the rights of older people, and in the Bolivarian Republic of Venezuela, there is specialist staff in the office of the Public Ombudsman. Guatemala, Panama and Peru also have ombudsmen for older persons. In Peru, the Public Ombudsman collects complaints from vulnerable older people whose rights have been violated by public entities and provides reports to highlight the problem, giving the relevant public bodies an opportunity to deal with the issues raised. In addition, ombudsmen are to be installed in each local government authority.

52. In the Plurinational State of Bolivia and Peru, there are advice centres — mechanisms set up by civil society at the local level. In Argentina, a programme called "Proteger" (Protect) offers essential advice to older people who have been abused. And in Chile, there is a telephone advice line called "Fono Mayor" (Older People's Phone) to help older people who are victims of abuse.[11]

[11] L. Barreto, "A report on the status of older people's rights in Latin America", background briefing paper of the International Symposium on the Rights of Older People (January 2009).

VII. Possible next steps

53. To better assess the current status of the promotion and protection of the rights of older persons, the Division for Social Policy and Development organized an expert group meeting on the topic "Rights of older persons", from 5 to 7 May 2009, in Bonn, Germany. The experts had various backgrounds: some were from academia, others worked in government and others represented civil society organizations, speaking out on behalf of older persons. International NGOs dealing with ageing issues were also invited to participate in this meeting and were actively involved in the discussions. The purpose of the meeting was to provide the General Assembly with independent expert opinion on questions related to the rights of older persons. The overall objectives of the meeting were to explore how fundamental human rights of older persons could be assured and deepened and how the Madrid International Plan of Action on Ageing could be better implemented concerning the rights of older persons.

54. Specific objectives of the meeting were to: (a) identify and evaluate good national practices regarding protecting and promoting the rights of older persons, including measures to prevent discrimination, neglect, abuse and violence; (b) select innovative approaches to widening and deepening the rights of older persons nationally and internationally; (c) identify capacity tools that are required and could be recommended to policymakers when addressing the rights of older persons; (d) elaborate recommendations on how to promote the rights of older persons at the level of Member States and the United Nations; and (e) explore the feasibility and possible approaches to elaborating an international legal framework on the rights of older persons, including an international convention on the rights of older persons, or a special rapporteur on the rights of older persons.

55. Participants of the expert group meeting identified a variety of good national-level practices, of which a representative sample from developing countries is mentioned here. In South Africa, the introduction of innovative ways to enforce human rights for older persons has been achieved through a new legal system that puts the test of proof on the discriminator, rather than on the older person discriminated against. In Brazil, the National Law for the Protection of the Rights of Older Persons (Estatuto do Idoso, 2003) has improved respect for older persons as it is now mandatory to report any violation of their rights. In Bangladesh, family pensions and the issuance of identification cards for older persons are very important in realizing economic security in old age. In a number of countries in various regions, universal social pensions (non-contributory pensions available to all persons reaching a determined age), have helped older persons to maintain dignity in the family as they support themselves and help financially, for example with food and school fees.

56. A first set of recommendations centred on how to ensure rights more effectively in the future. Given that the lack of identification in developing countries is a major barrier to older persons trying to access their rightful economic, social, political and civil entitlements, it would be crucial to provide easily accessible and free identity documentation to older persons. Equally important would be the support to older persons' associations through which older persons can be aware and monitor or access their entitlements. This could include provision of paralegal support and legal aid to older persons to defend their rights and help to resolve disputes within community structures and to gain them access to formal judicial

systems. Supporting legal mechanisms in later life planning, such as regarding health care, wills, power of attorney, living wills, organ donations and property should also be emphasized. Overall and as outlined in the Madrid Plan, Member States should ensure participation of older persons in decision-making processes that affect them.

57. A second group of recommendations addressed neglect, abuse and violence against older persons as serious rights infringements. Initiating a nationwide review about neglect, abuse and violence against older persons in order to come up with more effective prevention strategies as well as stronger laws and policies to address the problems and their underlying factors should be the point of departure of future policymaking in this area. Policies and infrastructure that support mistreatment, or contribute to it should be analysed, addressed and eliminated.

58. Recommendations regarding gender and ageing were another important cluster. Since older women often face double discrimination, incorporating a gender perspective in all policy actions on ageing and eliminating discrimination on the basis of age and gender should be policy objectives in all Member States. In addition, initiating a set of measures geared at preventing discrimination against older women and men in all fields and areas, including changing negative stereotypes in the media and other fields and encouraging the media to create positive images of older persons would be critical.

59. Fourthly, recommendations increasing the sensitivity of policymakers were made: older persons' rights need more visibility among leading policymakers, and education about the rights of older persons and the ageing process are essential among decision makers. Making resources available to national statistics offices to collect, analyse, and disseminate survey and census data disaggregated by age and sex should form the basis of more informed and evidence-based decision-making.

60. To enhance national capacity regarding the rights of older persons, recommendations included the establishment of a national ombudsman and a national human rights commission focusing on issues that are crucially relevant to ensure the full enjoyment of all rights for older persons.

61. The possibility of an international convention on the rights of older persons was also discussed. Such a convention would be able to address institutional ageism which is ingrained in almost every society and prevents older persons from reaching their full potential and participating equally in their communities. Some advantages of such a convention were identified by the experts. A convention would clearly define the obligations of Member States with regard to the rights of older persons, and it would strengthen and complement existing international policy documents on ageing and provide redress for the violation of human rights of older persons.

62. A convention would clarify and consolidate existing international norms with respect to the rights of older persons, and it would encourage a more equitable allocation of needed resources for older persons. A convention would clarify the specific obligations of States in order to ensure the full enjoyment of recognized human rights of older persons. It would also empower older persons and provide the framework for national legislation. Moreover, it would provide older persons greater visibility and recognition nationally and internationally as well as the basis for advocacy, public awareness and education on the rights of older persons.

63. The monitoring of the implementation of a convention would encourage ongoing dialogue among Member States, civil society, NGOs, the private sector and older persons. A convention would encourage Member States to collect additional data on older persons to inform evidence-based policy development, and it would address discrimination based on age and gender as well as the disparate impact of ageing on women and draw attention to the impact of multiple discriminations that older persons face. Thus, a convention would help to overcome existing normative gaps to address the rights of older persons.

64. Experts also opined on the role of a special rapporteur on the rights of older persons. A rapporteur could receive reports from Member States and offer assistance and advice to Member States on the implementation of the Madrid International Plan of Action on Ageing. He or she could promote the rights of older people by naming problems and issues and identifying strategies that could be implemented to resolve them. Furthermore, a special rapporteur could examine the nature and extent of older people's situations with regard to human rights such as equity, non-discrimination, and development, reporting on these issues as they arise to address issues of vulnerability and opportunity. Moreover, he or she could identify topics and trends with momentum in the United Nations and work to promote those that could gain traction within the United Nations processes. In addition, the rapporteur could identify bottlenecks and capacity constraints around the implementation of the Madrid Plan of Action and promote cooperation regionally and internationally. He or she could draw attention to good practices regarding the implementation of the Madrid Plan of Action and support government monitoring of implementation through such mechanisms as an ombudsman. The experts concluded that these options are not mutually exclusive: for example, the appointment of a rapporteur may not preclude the elaboration of a convention on the rights of older persons.

VIII. Conclusion and recommendations

65. Owing to the demographic developments during the latter half of the twentieth century, questions related to promoting, protecting and ensuring the rights of older persons have come more to the centre of national and international attention. It has become evident that the rights of older persons were not sufficiently addressed in the so-called International Bill of Human Rights. The two international plans of action on ageing as well as the United Nations Principles for Older Persons attempted to fill this gap, but owing to their non-binding nature, the results have been mixed. Member States have initiated various policies, legislation and other measures to address this shortcoming at the national level. Monitoring of existing policies and laws will show whether these instruments are effective and adequate.

66. Internationally it may be necessary to fill the normative gap left by existing human rights instruments and international policy documents on ageing. Despite the existence of both policy and legal documents, the above analysis indicates that the human rights of older persons have not been adequately promoted or protected. Part of this may stem from the lack of an older persons' perspective on human rights, and point to the need for such a perspective, which is consistent with the recommendations contained in the Madrid International Plan of Action on Ageing.

67. Based on the recommendations that emanated from the expert group meeting on "Rights of older persons", there are some policy areas that could be enhanced to advance the rights of older persons. Member States are encouraged to study the recommendations by experts as outlined above. In addition, the following specific recommendations are offered for consideration:

(a) **Member States may wish to ensure that older persons have better access to information about their rights so that they are better positioned to claim entitlement to their rights and allow older persons to participate more fully and justly in their societies;**

(b) **Member States may wish to develop their capacity for monitoring and enforcing the rights of older persons, in consultation with organizations of older persons, through, for example, the establishment or bolstering of national institutions for the promotion and protection of human rights;**

(c) **Member States may seek to strengthen the gender perspective in all policy actions on ageing and eliminate discrimination on the basis of age and gender. In this regard, Member States may wish to engage with all stakeholders, including women's groups and organizations of older persons, in changing negative stereotypes about older persons, and older women in particular, and to promote positive images of older persons;**

(d) **Member States may wish to address the important issues of neglect, abuse and violence against older persons by initiating a nationwide review about the situation with regard to these three issues. Additionally, Member States may wish to design more effective prevention strategies, as well as stronger laws and policies to address these problems and their underlying factors;**

(e) **Member States may also consider how best to improve international norms and standards pertaining to older persons and, in this regard, they may wish to consider the recommendations put forward by the experts at the meeting in Bonn, including those which explore the possibility of instituting new policies or instruments to better improve the situation of older persons.**

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Item 70 of the preliminary list*
Promotion and protection of human rights:
Convention on the Rights of Persons with Disabilities

Status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 63/192, provides an overview of the status of the Convention on the Rights of Persons with Disabilities. It contains information concerning the status of signatures and ratifications of the Convention and the Optional Protocol, the first session of the Committee on the Rights of Persons with Disabilities in February 2009 and the ongoing efforts by Governments towards ratification and implementation of the Convention. The report also presents an overview of the progress made by the United Nations system towards implementation of the Convention and describes relevant activities by non-governmental organizations.

* A/64/50.

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Introduction

1. In its resolution 63/192, the General Assembly requested the Secretary-General to submit to the Assembly at its sixty-fourth session a report on the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol and the implementation of the resolution.

I. Status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

2. Since the previous report on the status of the Convention and the Optional Protocol,[1] through July 2009, there have been 22 ratifications and 6 accessions, as well as 11 signatures to the Convention. There have also been 14 signatures, 13 ratifications and 7 accessions to the Optional Protocol.

3. As of the date of the submission of this report, there were a total of 62 States parties and 142 signatories to the Convention. For the Optional Protocol, there were 85 signatories and 42 States parties. The list of signatures and ratifications or accessions is contained in annex I to the present report.[2]

4. Among the 62 States parties to the Convention, 16 are from the African Group, 17 from the Asian Group, 3 from the Eastern European Group, 17 from the Latin American and Caribbean Group and 9 from the Western European and Others Group.

5. The secretariat for the Convention on the Rights of Persons with Disabilities, housed in the United Nations Department for Economic and Social Affairs, serves as the secretariat for the Conference of States Parties to the Convention with the support of the Office of the High Commissioner for Human Rights (OHCHR), while OHCHR serves as the secretariat for the Committee on the Rights of Persons with Disabilities with the support of the Department of Economic and Social Affairs.

II. Conference of States Parties to the Convention on the Rights of Persons with Disabilities

6. In accordance with article 40 of the Convention, the first session of the Conference of States Parties was convened at United Nations Headquarters in New York on 31 October and 3 November 2008. The Conference elected members of its bureau and adopted its rules of procedure. In accordance with article 34 of the Convention, the Conference elected the 12 members of the Committee on the Rights of Persons with Disabilities on 3 November. The session also included an interactive panel discussion entitled "The Convention on the Rights of Persons with Disabilities as a human rights instrument and a tool for achieving the Millennium Development Goals".

7. At the time of the submission of the present report, preparation was under way for the second session of the Conference of States Parties to be held from 2 to

[1] A/63/264 and Corr.1.

[2] Information on the status of the Convention and the Optional Protocol is available at http://www.un.org/disabilities.

4 September 2009 at United Nations Headquarters in New York. The theme of the session is "Legislative measures to implement the Convention on the Rights of Persons with Disabilities". The programme includes a high-level panel, a round-table discussion on legislative measures to implement the Convention and an interactive dialogue on the work of the United Nations system in support of the implementation of the Convention. There will also be an informal non-governmental organizations segment in conjunction with the Conference.

III. Committee on the Rights of Persons with Disabilities

8. In accordance with article 34 of the Convention, the first session of the Committee on the Rights of Persons with Disabilities was held from 23 to 27 February 2009. The 12 members, elected at the first session of the Conference of States Parties, were inducted into the Committee. The Committee elected its chairperson and the officers of the bureau and initiated discussion on its rules of procedure and methods of work. During the session, newly elected members of the Committee engaged in dialogue with States parties, United Nations entities, representatives of civil society and national human rights institutions.

9. At its first session the Committee adopted a declaration, entitled "Committee on the Rights of Persons with Disabilities: looking forward". The Committee also adopted several decisions, including one by which it requested its secretariat to take measures to ensure that all persons with disabilities had access to meetings of human rights mechanisms, particularly for the Committee's future sessions. In addition, the Committee called for the provision of signage in Braille, forms that are easy to read and understand, sign language interpreters and other appropriate forms of assistance and support, and relevant information and communications technologies.

IV. Activities undertaken in support of the Convention

A. Governments

10. This section provides a summary of the thirty-five submissions received from Governments in response to the note verbale of 22 April 2009 in which the Secretariat requested information on progress concerning the Convention and the Optional Protocol. Submissions were received from the following countries: Argentina, Australia, Bolivia (Plurinational State of), Brazil, Canada, China, Colombia, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, Greece, Hungary, Jamaica, Japan, Kenya, Kyrgyzstan, Latvia, Malta, Mexico, Montenegro, New Zealand, Peru, Portugal, the Republic of Korea, the Russian Federation, Slovenia, Thailand, Togo, Ukraine, the United Republic of Tanzania and the United Arab Emirates.

1. Progress towards ratification of the Convention

11. Several States that had signed the Convention reported having taken steps towards ratification, including Canada, Cyprus, Denmark, Estonia, Finland, Greece, Jamaica, Japan, Latvia, Malta, Portugal and the United Republic of Tanzania.

12. The following Governments reported on progress made in their legislative frameworks towards ratification of the Convention: Bolivia (Plurinational State of), Colombia, the Czech Republic, Estonia, Finland, Kyrgyzstan, Montenegro, the Russian Federation, Ukraine and the United Arab Emirates.

13. An international conference to promote strategies for ratification and implementation of the Convention will be organized in Dubai in November 2009 by the United Arab Emirates in cooperation with Rehabilitation International.

14. Brazil and Kenya ratified the Convention and are taking administrative and other measures towards its implementation.

2. Harmonization of domestic legislation and practice in compliance with the Convention

15. Several States parties reported progress in harmonization of domestic legislation in compliance with the Convention:

(a) Australia introduced to its Parliament in December 2008 the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 in order to implement recommendations on the protection of the rights of persons with disabilities and to ensure their full and equal participation in community life;

(b) China drafted a series of laws and regulations, including the Law on the Protection of Disabled Persons, in order to bring domestic legislation in line with the Convention, including by promoting accessible design standards and environments;

(c) Ecuador included in its Constitution an independent chapter on persons with disabilities;

(d) Egypt amended laws and ministerial decisions in line with the Convention with regard to equal rights, non-discrimination and equal opportunities for persons with disabilities, children with disabilities, community-based rehabilitation, education and training, employment, transportation and access to buildings and outdoor spaces;

(e) Hungary is taking legislative measures concerning Hungarian Sign Language, assistive animals and national implementation and monitoring mechanisms;

(f) Jamaica established an inter-ministerial committee to review existing legislation and policies on persons with disabilities ranging from employment, education and health to social assistance. Other legislative changes include revisions to national building codes and standards and amendments to laws in order to permit persons with hearing impairment to drive;

(g) Mexico is currently reviewing proposals for harmonizing domestic legislation in line with the Convention;

(h) New Zealand undertook a comprehensive review of its domestic laws, policies and practices in order to fulfil its obligations under the Convention;

(i) The Republic of Korea reported that the acts on disability discrimination and the protection of the rights of persons with disabilities and on special education for persons with disabilities came into force. In addition it adopted the Welfare of

Disabled Persons Act and the Enforcement Decree of the Act on Convenience Promotion for Persons with Disabilities, the Elderly and Pregnant Women;

(j) In Slovenia, efforts to implement the Convention have been reflected in amendments made to national acts to ensure that persons with disabilities have access to the built environment, transport, information and communications;

(k) Thailand adopted laws and policies related to the equalization of opportunities for persons with disabilities, in compliance with the Convention.

3. National implementation and monitoring

16. Several States parties reported on progress in developing and/or strengthening national frameworks for promotion, protection and monitoring of the Convention:

(a) Australia is developing, through a multi-stakeholder consultative process, its national disability strategy to serve as a mechanism to incorporate the principles of the Convention into its policies and programmes;

(b) China is developing a monitoring system on the situation of persons with disabilities, following the second sample survey of persons with disabilities conducted in 2006, in order to build a scientific basis for the development of policies and programmes;

(c) Colombia established a framework on planning disability policies for the period 2007-2010 as its strategy to implement public policies for improvement of the living conditions of persons with disabilitie.

(d) Mexico adopted its national programme for the development of persons with disabilities 2009-2012, which includes strategies for attitudinal changes for an inclusive society and improved accessibility;

(e) Montenegro adopted its strategy for integration of persons with disabilities, 2008-2016, developed in collaboration with national associations of persons with disabilities and regional development organizations;

(f) New Zealand conducted the first review of the New Zealand disability strategy, which is implemented by the Office for Disability Issues under the Minister for Disabilities Issues, and will finalize its national monitoring framework by the end of 2009;

(g) Peru recently established a permanent inter-agency commission for the Convention and its implementation;

(h) In Slovenia, the Government established the Council for Persons with Disabilities, a monitoring mechanism for the Convention, with the participation of experts and organizations of persons with disabilities;

(i) In Thailand, the Office for the Empowerment of Persons with Disabilities initiated its four-year strategy to promote the human rights of persons with disabilities and implement the Convention throughout the country;

(j) In Togo, the Directorate for Persons with Disabilities developed national strategies for the social inclusion of persons with disabilities and the implementation of its new legislation.

4. Other policy measures for implementation of the Convention

17. Several Governments also reported on policy measures currently undertaken to implement the Convention in the areas of accessibility, community-based rehabilitation, sectoral issues and other new policy initiatives. The following countries reported on progress in the area of accessibility:

(a) Argentina widely disseminated the text of the Convention and relevant materials through the Internet and other media;

(b) Australia drafted accessibility standards, which have been tabled in its Parliament;

(c) China increased access to legal aid for persons with disabilities and is in the process of establishing, by the end of 2010, 100 barrier-free model cities throughout the country;

(d) In the Czech Republic, a decree came into force to ensure the accessibility of public administration websites;

(e) Greece conducted a review of the implementation of accessibility standards applicable to public sector institutions and initiated a two-year accessibility programme with a view to full compliance at the municipal level;

(f) Mexico developed mandatory architectural standards for accessibility to the premises of federal and public administration offices, including those of the national health system;

(g) Portugal disseminated the text of the Convention in accessible formats and provided public administration employees with training for the implementation of the Convention;

(h) Slovenia undertook measures to promote awareness-raising of the Convention, accessibility, ensuring voting rights and the identification of independent living alternatives to the institutional care of persons with disabilities;

(i) Ukraine established regulatory standards and a monitoring mechanism to ensure access to the physical environment and to communication technologies.

18. Regarding community-based rehabilitation:

(a) China undertook measures to strengthen rehabilitation services, including community-based rehabilitation and home-care services;

(b) Egypt adopted community-based rehabilitation as a broad strategic approach to the integration of persons with disabilities into society;

(c) Thailand hosted the first Asia-Pacific Community-based Rehabilitation Congress with the theme "Community-based inclusive development: Persons with disabilities and their families", which defined the role of community-based rehabilitation as a mechanism for implementation of the Convention;

(d) Ukraine established a rehabilitation programme that would be free of charge or available under favourable conditions for persons with disabilities.

19. With respect to sectoral issues:

(a) Jamaica reviewed its newly drafted national policy on special education prior to implementation of the Convention;

(b) Malta undertook measures in education, employment and social services and conducted research on disability based on census information;

(c) Montenegro adopted regulations establishing national frameworks for professional rehabilitation and employment of persons with disabilities;

(d) The Russian Federation enhanced social protection measures for persons with disabilities and adopted measures to promote their employment, thereby decreasing dependence on unemployment benefits.

20. Other policy initiatives include:

(a) Bolivia adopted new legislation which created a national solidarity and equity fund to provide support for persons with disabilities from the general treasury;

(b) Ecuador's "Procuraduria de Discapacides" adopted strategies with public and private entities to promote the rights of persons with disabilities and provide technical assistance to provincial commissions;

(c) The United Arab Emirates issued a periodic publication, *My World*, to sensitize the general public concerning the rights of persons with disabilities, and a guide to legislation and appropriate environmental planning for persons with disabilities in public buildings, institutions and facilities.

B. United Nation system

21. The United Nations system has been working at all levels to promote the implementation of the Convention. At its twelfth session, in September 2006, the United Nations System Chief Executives Board for Coordination (CEB) established the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities. The Group coordinates the work of the United Nations system in support of the promotion and implementation of the Convention.[3]

22. The third meeting of the Inter-Agency Support Group took place from 30 to 31 March 2009 in New York at the headquarters of the United Nations Population Fund (UNFPA). The United Nations Department of Economic and Social Affairs, OHCHR and UNFPA co-chaired the meeting. One of the main initiatives was work on a draft strategy and plan of action to mainstream the Convention on the Rights of Persons with Disabilities throughout the work of the United Nations system.

[3] The membership of the Inter-Agency Support Group consists of: Food and Agricultural Organization of the United Nations (FAO), International Labour Organization (ILO), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Population Fund (UNFPA), World Tourism Organization (WTO), United Nations Children's Fund (UNICEF), Office of the United Nations High Commissioner for Refugees (UNHCR), World Health Organization (WHO), United Nations Industrial Development Organization (UNIDO) and the United Nations Secretariat, specifically Department of Economic and Social Affairs, Department of Management, Office of the High Commissioner for Human Rights (OHCHR), Department of Public Information, Department of Peacekeeping Operations, United Nations Human Settlements Programme (UN-Habitat) and the United Nations regional commissions: Economic Commission for Africa (ECA), Economic Commission for Europe (ECE), Economic Commission for Latin America and the Caribbean (ECLAC), Economic and Social Commission for Asia and the Pacific (ESCAP) and Economic and Social Commission for Western Asia (ESCWA).

23. In addition, in June 2009, the Economic and Social Commission for Asia and the Pacific (ESCAP) organized the Regional Inter-agency Meeting on the Promotion and Implementation of the Convention on the Rights of Persons with Disabilities in Asia and the Pacific.

24. The United Nations system also continues work to implement the Convention through its recent activities related to accessibility in the areas of human resources, information and physical facilities, as well as in awareness-raising, capacity-building and technical cooperation.

1. Accessibility: human resources, information and physical facilities

(a) Human resources

25. Offices of the United Nations system continue to make necessary changes to ensure that the human resources policies of the United Nations are non-discriminatory and more inclusive to persons with disabilities. At its seventeenth session, in March 2009, the CEB Human Resources Network requested a policy statement on disabilities in the workplace. The draft statement will be submitted for approval to the Human Resources Network and presented for endorsement to the High-level Committee on Management and then to CEB. The Network noted that the policy statement represents a large shift in thinking, as it moves from recognizing people's disabilities to recognizing people with disabilities for their skills and abilities.

26. The United Nations Staff Rules, updated effective 1 July 2009, as well as corresponding administrative instructions, reflect the efforts of the United Nations to use more disability-sensitive terminology.

27. The United Nations Secretariat is currently adding new technology features to its online recruitment process in order to make the electronic vacancy announcements and electronic submission of job applications accessible. The new features support the use of assistive technologies, such as screen readers and other measures to make the online recruitment system available to blind and visually impaired users.

28. UNDP launched a blog-based discussion on inclusion and disability in June to August 2008 to discuss conceptual and programming issues as well as human resources management. UNDP is also developing an online learning tool to sensitize staff members to the needs and rights of persons with disabilities. The objective of the tool is to raise awareness of the importance of including, empowering and employing persons with disabilities. In addition, UNDP is currently developing guidelines for the inclusion of persons with disabilities in developing and implementing programmes related to disability.

29. The International Labour Organization (ILO) is building on its policy on the employment of persons with disabilities that was adopted in 2005 and is posting its job openings through disability networks and encouraging persons with disabilities to apply. The ILO Governing Body has also approved a reasonable accommodation fund for the purpose of providing needed devices for employees and interns with disabilities so that these costs are not a disincentive for any specific programme or office budget.

(b) Information

30. Entities of the United Nations system have also been improving the accessibility of their respective websites in different languages. To assist content-providing offices throughout the United Nations system, the Department of Public Information has developed a website dedicated to improving the accessibility of United Nations websites.[4] The site features validation procedures for content providers, designers and developers to enable them to assess the accessibility of a website and provides templates to support the creation of accessible sites.

31. The Global Initiative for Inclusive ICTs (G3ict),[5] an advocacy initiative of the United Nations Global Alliance for ICT and Development, works to promote information and communications technology solutions for persons with disabilities and related best policy practices among Governments in the context of the Convention on the Rights of Persons with Disabilities. The initiative also includes multi-stakeholder global and regional forums, the dissemination of information and research tools, media relations and a web-based media resource centre. G3ict developed, in cooperation with Disabled Peoples' International, the Digital Accessibility and Inclusion Index, which measures the degree to which countries meet the requirements of accessibility to ICT in line with the Convention. G3ict also publishes the *G3ict Digital Accessibility World Report*, which provides updates and information on developments in accessibility.

(c) Physical facilities

32. Entities of the United Nations system seek to adhere to the accessibility standards and regulations of their respective host countries. At regional and country levels, some offices have conducted accessibility audits of their facilities. In the current renovations of its Headquarters, the United Nations conforms to the United States federal standards and regulations relating to accessibility as well as to the building codes of New York City. The responsibility for ensuring accessibility at Headquarters lies with the Department of Management, whose capital master plan team is working to create a fully accessible facility. The Department of Economic and Social Affairs has been working closely with the Department of Management and the Office of the Capital Master Plan to ensure that all indoor and outdoor areas will be accessible, including the temporary North Lawn Conference Building that will be used for the functions of the existing conference building from late 2009 through 2011. Virtually all the areas that delegations, guests and office staff occupy will be fully accessible and all aspects of the renovation will be in compliance with the standards set by the Americans with Disabilities Act and the building code of the host city. The Office of the Capital Master Plan and the Department of Economic and Social Affairs have also organized consultations with experts in universal design to ensure that the United Nations premises will be accessible.

33. The United Nations is taking measures to accommodate other potential needs of persons with disabilities attending its meetings at Headquarters. Currently, t-coil loops, used as mechanical acoustical amplifiers by persons with impaired hearing, are available for meetings, and plans are under way to install assistive listening devices, large print materials in Braille and audio recordings for persons with disabilities.

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[4] http://www.un.org/webaccessibility/.

[5] http://www.g3ict.com/.

2. Awareness-raising

34. For the International Day of Persons with Disabilities on 3 December 2008, under the theme "Convention on the Rights of Persons with Disabilities: dignity and justice for all of us", the Department of Economic and Social Affairs organized a number of events in collaboration with other offices at United Nations Headquarters.[6] The United Nations Institute for Training and Research, G3ict and the Department of Economic and Social Affairs organized the Seminar on implementing the Digital Accessibility Agenda of the Convention on the Rights of Persons with Disabilities: challenges and opportunities for signatory States.

35. In May 2009, the Department of Economic and Social Affairs participated in a strategy session on the role of parliamentarians in addressing the rights of persons with disabilities, organized by Parliamentarians for Global Action. Other participants included parliamentarians from Nigeria, Pakistan, Sierra Leone and Sweden, who discussed issues related to the implementation of the Convention through domestic legislation and national strategies.

36. OHCHR prepared a thematic study focusing on key legal measures for the ratification and implementation of the Convention on the Rights of Persons with Disabilities, which was submitted to the Human Rights Council at its tenth session in March 2009.[7] The celebration of the sixtieth anniversary of the Universal Declaration of Human Rights contributed to awareness-raising concerning the urgent need to address the human rights of persons with disabilities.

37. The Department of Economic and Social Affairs and the Department of Public Information, in close collaboration with organizations of persons with disabilities, have initiated discussions to develop an online disability awareness and sensitivity training module for the United Nations Cyberschoolbus, an online global teaching and learning project for teachers and students. The module will also help to build the self-esteem of children with disabilities. The two departments are also collaborating in the production of a United Nations Television (UNTV) story on the impact of the Convention and efforts of persons with disabilities for their 21st Century and UN in Action series.

38. On 8 May 2009, the United Nations Information Centre in Vienna organized events in collaboration with organizations of persons with disabilities to mark the first anniversary of the coming into force of the Convention. The event included discussions with a group of persons with brain injuries, their families and caregivers, as well as United Nations staff and representatives of non-governmental organizations.

39. The International Conference on Education organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Geneva in November 2008 was dedicated to inclusive education. Over 1,500 participants from 153 Member States, including 150 ministers of education, 20 intergovernmental organizations and 25 non-governmental and other organizations participated in the Convention in order to promote inclusive education and encourage the implementation of the Convention. UNESCO also produced a DVD entitled *A world for inclusion: Ensuring education for all through the UN disability convention*,

[6] See http://www.un.org/disabilities/default.asp?id=109.

[7] A/HRC/10/48.

which used footage from Finland, Kenya and Turkey to address the situation of children with disabilities worldwide.

40. The United Nations Children's Fund (UNICEF) supported awareness-raising on the Convention in several countries and produced a child-friendly version of the Convention *It's about ability: an explanation of the Convention on the Rights of Persons with Disabilities*, which is used in several countries such as Uzbekistan, Burkina Faso and the Russian Federation.

41. ILO developed a video documentary entitled *From rights to reality* about trade unions around the world that promote decent work for persons with disabilities. The ILO Turin Centre has developed a training programme on labour markets and disability and has recently field-tested and conducted disability equality training programmes, as well as an online training course on disability and law.

42. To raise awareness of the Convention, UNFPA published two advocacy resources, *Sexual and Reproductive Health of Persons with Disabilities* and *UNFPA Emerging Issues: Mental, Sexual and Reproductive Health*. In Haiti, UNFPA-supported efforts to advance the rights of persons with disabilities in the country included organizing a national forum as a first stage in the formulation of a national policy for the integration of persons with disabilities. It also translated the Convention into Creole.

3. Capacity-building

43. The United Nations Voluntary Fund on Disability, administered by the Department of Economic and Social Affairs, provides support to catalytic and innovative activities for the implementation of the Convention, with special emphasis on less developed countries and activities that have global relevance. Recently, funds were used to support projects to raise awareness and strengthen the skills of organizations of persons with disabilities in order to promote better understanding and the implementation of the Convention in several Western African countries, such as Burkina Faso, the Niger, Mali, Senegal, Sierra Leone and Togo, as well as in Ethiopia and Somalia. In Ethiopia, the Fund provided assistance to promote the inclusion of persons with intellectual disabilities and their families by using the Convention as an instrument for building inclusive policies and practices. In Somalia, funds were provided to increase awareness-raising concerning the rights of persons with disabilities through media campaigns and training workshops for all stakeholders. In the West Bank, the Fund assisted in the development of leadership and mentoring training programmes for women with disabilities. In Sri Lanka, funds were provided to develop a national network of organizations and people working to promote the rights of persons with disabilities.

44. The Department of Economic and Social Affairs and UNFPA, in collaboration with the Wellesley Centers for Women, published *Disability Rights, Gender, and Development: A Resource Tool for Action*. The publication is based on a training programme developed for the Department of Economic and Social Affairs. The Division for the Advancement of Women of the Department of Economic and Social Affairs and the United Nations Office on Drugs and Crime (UNODC) co-organized an expert group meeting on violence against women in May 2008, which included disability as an important factor that shaped a woman's experience of violence. The meeting provided recommendations for measures to protect all women from violence, including women with disabilities.

45. ESCAP along with the regional office of OHCHR organized an expert group meeting on Harmonization of national legislations with the Convention on the Rights of Persons with Disabilities in Asia and the Pacific, held in Bangkok in June 2009.

46. Following the inclusion of a reference to persons with disabilities in the UNDP strategic plan 2008-2011, a number of country offices have strengthened their support in this field, through both targeted projects and mainstreaming. Over 50 UNDP offices are implementing, or have recently completed, over 100 programmes and projects primarily related to the empowerment of persons with disabilities and capacity-building. In Croatia, UNDP has been supporting both the Government and organizations of persons with disabilities through the project on the right to live in the community: social inclusion and persons with disabilities. The project includes the development of specialized foster care for children with intellectual disabilities, promotes inclusive education and employment opportunities and carries out awareness-raising activities through public events.

47. The UNFPA strategic plan 2008-2011 provides guidance to UNFPA staff to ensure that persons with disabilities participate in the design, implementation, monitoring and evaluation of culturally and gender-sensitive policies and programmes. In the Asia-Pacific region, UNFPA supports initiatives for women with temporary or permanent disabilities resulting from gender-based violence, as well as obstetric fistula, uterine prolapse and pregnancy-related disabilities.

48. UNICEF contributed to the advancement of the rights of persons with disabilities through a collaborative partnership with Special Olympics International in eight countries. International Inspiration is a multi-country sport initiative in which the United Kingdom Committee for UNICEF is a leading partner. The programme will be implemented by 20 UNICEF country offices and will provide quality and inclusive physical education and sports opportunities to children with disabilities.

49. The United Nations Mine Action Service emphasizes the relevance of the Convention on the Rights of Persons with Disabilities in the work of peacekeeping operations and continues to consult actively with field staff in order to inform and guide United Nations country programming. The Convention provides a legal framework that helps States fulfil victim assistance obligations pursuant to article 6 of the Anti-Personnel Mine-Ban Treaty and article 8 of Protocol V of the Convention on Certain Conventional Weapons. The United Nations Mine Action Service has worked to integrate the principles of the Convention on the Rights of Persons with Disabilities into mine action programmes and national frameworks for the implementation of victim assistance programmes.

50. ILO has undertaken a wide range of activities in knowledge development, advocacy, technical cooperation and capacity-building, including several subregional meetings on decent work for persons with disabilities, as well as a subregional meeting on disability legislation in South Africa.

51. The mandate of UN-Habitat includes significant references to persons with disabilities. The publication *Policy Guidelines for Children with Disabilities Living in Informal Settlements in Kenya* details a comprehensive community centre approach to rehabilitation that ensures accessible and adequate space for health services, education and social activities. UN-Habitat is testing this approach in a

pilot project in Kibera, Africa's second largest informal settlement, located in Nairobi.

52. UNHCR has instructed country offices to mainstream the Convention in all aspects of their work. Initiatives have been carried out to increase the knowledge and skills of UNHCR staff in working with a diverse population of persons with disabilities. The Convention complements the 1951 Convention relating to the Status of Refugees and provides an important legal framework and standard-setting tool for the protection of refugees and other persons of concern with disabilities.

53. UNHCR has also taken steps to enhance the protection of persons with disabilities by adding specific protection provisions for them in the planning process. Refugee and internally displaced children with disabilities in both urban and camp settings are of particular concern, as they face challenges in obtaining access to education due to physical, attitudinal or social barriers. UNHCR and its partners are also developing a training module for field staff on psycho-social support for persons of concern, using the Inter-Agency Standing Committee guidelines on mental health and psycho-social support, with a specific focus on persons of concern who have suffered torture, violence and/or harassment.

54. The World Health Organization (WHO) is facilitating the development of technical guidelines on community-based rehabilitation to provide clear directions on how community-based development initiatives can work to promote the rights of persons with disabilities and respect for their inherent dignity in accordance with the Convention. Furthermore, WHO, in collaboration with the Law College of the Indian Law Society (ILS) in Pune, India, has established the International Diploma on Mental Health Law and Human Rights, a course of study that aims to build the capacity of key actors in countries to enable them to participate in advocacy, legal and policy reform.

55. The World Intellectual Property Organization (WIPO) Standing Committee on Copyright and Related Rights has included the issue of copyright exceptions and limitations for persons with disabilities on its work agenda. WIPO has taken measures to raise awareness and increase accessibility along with other partners to strengthen synergies between the role of the intellectual property system and the Convention.

4. Technical cooperation

56. UNFPA provides technical support for the incorporation of the disability perspective into health policies, programmes and national development frameworks, while advocating for the participation of persons with disabilities in decision-making processes in its project countries worldwide. For example in Cuba, UNFPA provided support to the Ministry of Education in developing a curriculum on reproductive health for schools for children with mental and physical disabilities. In Paraguay, UNFPA supported an anti-discrimination network which spearheaded the development of the draft legislation against all forms of discrimination.

57. ILO facilitates the inclusion of a disability component in its technical cooperation projects relating to entrepreneurship development in East Asia and East and Southern Africa, in skills development in Asia, and in the activities of the ILO

Crisis Response and Reconstruction Programme,[8] including projects that involve linkage to the Inter-agency Working Group on Disarmament, Demobilization and Reintegration. The project on promoting the employability and employment of people with disabilities through effective legislation furthers the review and reform of disability-related training on employment laws and policies and their effective implementation in selected countries of East and Southern Africa, Asia and the Pacific. ILO has also conducted a technical cooperation project on promoting decent work for people with disabilities through a disability inclusion support service that aims to assist countries[9] in promoting the rights of persons with disabilities as outlined in the Convention.

58. UNESCO promotes technical assistance for inclusive education in line with the Convention on the Rights of Persons with Disabilities and the UNESCO Convention against Discrimination in Education. Particular emphasis is placed on advocating measures for the elimination of discrimination so as to realize equal opportunities for all in basic education. Measures aimed at fulfilling obligations under the UNESCO Convention on Technical and Vocational Education complement the implementation of the Convention on the Rights of Persons with Disabilities.

59. UNICEF provides technical assistance in the review of national legislation in light of the provisions of the Convention. UNICEF assisted China in the revision of the Law on the Protection of Disabled Persons and secured the inclusion of new provisions on children with disabilities. It has also worked with several countries to integrate disability into social protection system reforms. In Croatia, Kyrgyzstan, the Republic of Moldova and South Africa, UNICEF is promoting efforts to make income support schemes inclusive of adults and children with disabilities and their families.

60. The World Bank provides technical assistance through projects that have disability-related components and activities covering a range of sectors, including health, education, social protection, transport and urban development. In addition, it has introduced specific articles of the Convention into training events conducted by its Disability and Development Team, hosted events specific to the Convention and is developing a primer on the Convention for its project leaders. Pending proposals for World Bank funding have included references to the implementation of the Convention and, within these proposals, priority is given to support projects in countries that have signed/ratified the Convention. Some countries have also expressed their interest in receiving World Bank loans to meet their obligations under the Convention and formal requests are anticipated.

C. Non-governmental organizations

61. The role of non-governmental organizations, especially those of persons with disabilities, is crucial for the successful implementation of the Convention. The following section provides a brief summary of the efforts to promote implementation by five major non-governmental organizations.

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[8] http://www.ilo.org/public/english/employment/crisis/.

[9] The countries that have received technical cooperation under the programme, as of May 2009, are Ethiopia, the United Republic of Tanzania and Zambia, with outreach to Kenya and Uganda, and Viet Nam, with outreach to Cambodia and the Lao People's Democratic Republic.

62. **Disabled Peoples' International** is a network of national organizations or assemblies of persons with disabilities. It promotes the ratification and implementation of the Convention and the Optional Protocol through its five regional development offices and national assemblies (member organizations) in 134 countries. Disabled Peoples' International published (a) a self-tutorial toolkit on Convention ratification and implementation; (b) a series of 44 two-page primers on different articles and related topics of the Convention; and (c) a guide to organizing workshops on the Convention. It also facilitated national forums on the Convention in the Philippines and India and convened workshops on both the Convention and the Millennium Development Goals in Guinea and Kenya.

63. **Inclusion International** is a global federation of family-based organizations advocating for the human rights of people with intellectual disabilities worldwide, representing over 200 member federations in 115 countries. Inclusion International disseminated a booklet entitled *The Road Ahead* to raise awareness about how the Convention can address issues affecting the lives of persons with intellectual disabilities and their families.

64. **International Disability Alliance** is an informal network comprised of eight international and two regional organizations. In support of the ratification and implementation of the Convention, the Alliance organized two regional seminars in 2009 on the Convention in the Philippines and Egypt and organized a large number of national seminars, particularly in Latin America. The Alliance also produced several manuals and guidance documents on the Convention for its members.

65. **International Disability and Development Consortium**, a global consortium of 23 organizations of persons with disabilities and development non-governmental organizations, supports and promotes initiatives in mainstreaming disability in development worldwide. Its member organizations have recently developed training manuals and toolkits on the Convention in India and Kenya. The Consortium organized an international workshop on the role of community-based rehabilitation at the first Asia Pacific Community-based Rehabilitation Congress in Bangkok in February 2009. It has published training manuals on human rights and persons with disabilities based on the Convention in English, French, Spanish, Portuguese and Mongolian. The Consortium also supports a project called "Young voices" that trains young persons with disabilities from around the world in advocacy and media skills.

66. **Rehabilitation International** is a global network of experts, professionals and advocates working together to empower persons with disabilities and to provide sustainable solutions for a more inclusive and accessible society. It is conducting a global advocacy campaign to raise awareness concerning the Convention and promote its ratification and implementation. Rehabilitation International created and widely distributed media outreach, advocacy and educational materials in accessible formats for use by disabled persons organizations, non-governmental organizations and Governments, especially in developing countries; issued fact sheets and press releases on the Convention; and published the first two issues of the *International Rehabilitation Review*. Rehabilitation International also implemented, in partnership with a local rehabilitation centre, the first phase of a project to promote inclusion of women with disabilities in rural states in eastern India.

Annex

List of signatures, ratifications or accessions to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as of 6 July 2009

A. Convention on the Rights of Persons with Disabilities

Participant	*Signature*	*Ratification or accession*	*Participant*	*Signature*	*Ratification or accession*
Algeria	30 Mar 2007		Chile	30 Mar 2007	29 Jul 2008
Andorra	27 Apr 2007		China	30 Mar 2007	1 Aug 2008
Antigua and Barbuda	30 Mar 2007		Colombia	30 Mar 2007	
Argentina	30 Mar 2007	2 Sep 2008	Comoros	26 Sep 2007	
Armenia	30 Mar 2007		Congo	30 Mar 2007	
Australia	30 Mar 2007	7 Jul 2008	Cook Islands		8 May 2009[a]
Austria	30 Mar 2007	26 Sep 2008	Costa Rica	30 Mar 2007	1 Oct 2008
Azerbaijan	9 Jan 2008	28 Jan 2009	Côte d'Ivoire	7 Jun 2007	
Bahrain	25 Jun 2007		Croatia	30 Mar 2007	15 Aug 2007
Bangladesh	9 May 2007	30 Nov 2007	Cuba	26 Apr 2007	6 Sep 2007
Barbados	19 Jul 2007		Cyprus	30 Mar 2007	
Belgium	30 Mar 2007	2 Jul 2009	Czech Republic	30 Mar 2007	
Benin	8 Feb 2008		Denmark	30 Mar 2007	
Bolivia	13 Aug 2007		Dominica	30 Mar 2007	
Brazil	30 Mar 2007	1 Aug 2008	Dominican Republic	30 Mar 2007	
Brunei Darussalam	18 Dec 2007		Ecuador	30 Mar 2007	3 Apr 2008
Bulgaria	27 Sep 2007		Egypt	4 Apr 2007	14 Apr 2008
Burkina Faso	23 May 2007	23 Jul 2009	El Salvador	30 Mar 2007	14 Dec 2007
Burundi	26 Apr 2007		Estonia	25 Sep 2007	
Cambodia	1 Oct 2007		Ethiopia	30 Mar 2007	
Cameroon	1 Oct 2008		European Community	30 Mar 2007	
Canada	30 Mar 2007		Finland	30 Mar 2007	
Cape Verde	30 Mar 2007		France	30 Mar 2007	
Central African Republic	9 May 2007		Gabon	30 Mar 2007	1 Oct 2007

Participant	*Signature*	*Ratification or accession*	*Participant*	*Signature*	*Ratification or accession*
Georgia	10 Jul 2009		Luxembourg	30 Mar 2007	
Germany	30 Mar 2007	24 Feb 2009	Madagascar	25 Sep 2007	
Ghana	30 Mar 2007		Malawi	27 Sep 2007	
Greece	30 Mar 2007		Malaysia	8 Apr 2008	
Guatemala	30 Mar 2007	7 Apr 2009	Maldives	2 Oct 2007	
Guinea	16 May 2007	8 Feb 2008	Mali	15 May 2007	7 Apr 2008
Guyana	11 Apr 2007		Malta	30 Mar 2007	
Haiti		23 Jul 2009[a]	Mauritius	25 Sep 2007	
Honduras	30 Mar 2007	14 Apr 2008	Mexico	30 Mar 2007	17 Dec 2007
Hungary	30 Mar 2007	20 Jul 2007	Mongolia		13 May 2009[a]
Iceland	30 Mar 2007		Montenegro	27 Sep 2007	
India	30 Mar 2007	1 Oct 2007	Morocco	30 Mar 2007	8 Apr 2009
Indonesia	30 Mar 2007		Mozambique	30 Mar 2007	
Ireland	30 Mar 2007		Namibia	25 Apr 2007	4 Dec 2007
Israel	30 Mar 2007		Nepal	3 Jan 2008	
Italy	30 Mar 2007	15 May 2009	Netherlands	30 Mar 2007	
Jamaica	30 Mar 2007	30 Mar 2007	New Zealand	30 Mar 2007	25 Sep 2008
Japan	28 Sep 2007		Nicaragua	30 Mar 2007	7 Dec 2007
Jordan	30 Mar 2007	31 Mar 2008	Niger	30 Mar 2007	24 Jun 2008
Kazakhstan	11 Dec 2008		Nigeria	30 Mar 2007	
Kenya	30 Mar 2007	19 May 2008	Norway	30 Mar 2007	
Lao People's Democratic Republic	15 Jan 2008		Oman	17 Mar 2008	6 Jan 2009
Latvia	18 Jul 2008		Pakistan	25 Sep 2008	
Lebanon	14 Jun 2007		Panama	30 Mar 2007	7 Aug 2007
Lesotho		2 Dec 2008[a]	Paraguay	30 Mar 2007	3 Sep 2008
Liberia	30 Mar 2007		Peru	30 Mar 2007	30 Jan 2008
Libyan Arab Jamahiriya	1 May 2008		Philippines	25 Sep 2007	15 Apr 2008
Lithuania	30 Mar 2007		Poland	30 Mar 2007	

Participant	*Signature*	*Ratification or accession*	*Participant*	*Signature*	*Ratification or accession*
Portugal	30 Mar 2007		Sweden	30 Mar 2007	15 Dec 2008
Qatar	9 Jul 2007	13 May 2008	Syrian Arab Republic	30 Mar 2007	10 Jul 2009
Republic of Korea	30 Mar 2007	11 Dec 2008	Thailand	30 Mar 2007	29 Jul 2008
Republic of Moldova	30 Mar 2007		The former Yugoslav Republic of Macedonia	30 Mar 2007	
Romania	26 Sep 2007		Togo	23 Sep 2008	
Russian Federation	24 Sept 2008		Tonga	15 Nov 2007	
Rwanda		15 Dec 2008[a]	Trinidad and Tobago	27 Sep 2007	
San Marino	30 Mar 2007	22 Feb 2008	Tunisia	30 Mar 2007	2 Apr 2008
Saudi Arabia		24 Jun 2008[a]	Turkey	30 Mar 2007	
Senegal	25 Apr 2007		Turkmenistan		4 Sep 2008[a]
Serbia	17 Dec 2007		Uganda	30 Mar 2007	25 Sep 2008
Seychelles	30 Mar 2007		Ukraine	24 Sep 2008	
Sierra Leone	30 Mar 2007		United Arab Emirates	8 Feb 2008	
Slovakia	26 Sep 2007		United Kingdom of Great Britain and Northern Ireland	30 Mar 2007	8 Jun 2009
Slovenia	30 Mar 2007	24 Apr 2008	United Republic of Tanzania	30 Mar 2007	
Solomon Islands	23 Sep 2008		United States of America	30 Jul 2009	
South Africa	30 Mar 2007	30 Nov 2007	Uruguay	3 Apr 2007	11 Feb 2009
Spain	30 Mar 2007	3 Dec 2007	Uzbekistan	27 Feb 2009	
Sri Lanka	30 Mar 2007		Vanuatu	17 May 2007	23 Oct 2008
Sudan	30 Mar 2007	24 Apr 2009	Viet Nam	22 Oct 2007	
Suriname	30 Mar 2007		Yemen	30 Mar 2007	26 Mar 2009
Swaziland	25 Sep 2007		Zambia	9 May 2008	

[a] Accession.

B. Optional Protocol to the Convention on the Rights of Persons with Disabilities

Participant	*Signature*	*Ratification or accession*	*Participant*	*Signature*	*Ratification or accession*
Algeria	30 Mar 2007		Dominican Republic	30 Mar 2007	
Andorra	27 Apr 2007		Ecuador	30 Mar 2007	3 Apr 2008
Antigua and Barbuda	30 Mar 2007		El Salvador	30 Mar 2007	14 Dec 2007
Argentina	30 Mar 2007	2 Sep 2008	Finland	30 Mar 2007	
Armenia	30 Mar 2007		France	23 Sep 2008	
Austria	30 Mar 2007	26 Sep 2008	Gabon	25 Sep 2007	
Azerbaijan	9 Jan 2008	28 Jan 2009	Georgia	10 Jul 2009	
Bangladesh		12 May 2008[a]	Germany	30 Mar 2007	24 Feb 2009
Belgium	30 Mar 2007	2 Jul 2009	Ghana	30 Mar 2007	
Benin	8 Feb 2008		Guatemala	30 Mar 2007	7 Apr 2009
Bolivia	13 Aug 2007		Guinea	31 Aug 2007	8 Feb 2008
Bosnia and Herzegovina	29 Jul 2009		Haiti		23 Jul 2009[a]
Brazil	30 Mar 2007	1 Aug 2008	Honduras	23 Aug 2007	
Bulgaria	18 Dec 2008		Hungary	30 Mar 2007	20 Jul 2007
Burkina Faso	23 May 2007	23 Jul 2008	Iceland	30 Mar 2007	
Burundi	26 Apr 2007		Italy	30 Mar 2007	15 May 2009
Cambodia	1 Oct 2007		Jamaica	30 Mar 2007	
Cameroon	1 Oct 2008		Jordan	30 Mar 2007	
Central African Republic	9 May 2007		Kazakhstan	11 Dec 2008	
Chile	30 Mar 2007	29 Jul 2008	Lebanon	14 Jun 2007	
Congo	30 Mar 2007		Liberia	30 Mar 2007	
Cook Islands		8 May 2009[a]	Lithuania	30 Mar 2007	
Costa Rica	30 Mar 2007	1 Oct 2008	Luxembourg	30 Mar 2007	
Côte d'Ivoire	7 Jun 2007		Madagascar	25 Sep 2007	
Croatia	30 Mar 2007	15 Aug 2007	Mali	15 May 2007	7 Apr 2008
Cyprus	30 Mar 2007		Malta	30 Mar 2007	
Czech Republic	30 Mar 2007		Mauritius	25 Sep 2007	

Participant	Signature	Ratification, or accession	Participant	Signature	Ratification or accession
Mexico	30 Mar 2007	17 Dec 2007	Seychelles	30 Mar 2007	
Mongolia		13 May 2009[a]	Sierra Leone	30 Mar 2007	
Montenegro	27 Sep 2007		Slovakia	26 Sep 2007	
Morocco		8 Apr 2009[a]	Slovenia	30 Mar 2007	24 Apr 2008
Namibia	25 Apr 2007	4 Dec 2007	South Africa	30 Mar 2007	30 Nov 2007
Nepal	3 Jan 2008		Spain	30 Mar 2007	3 Dec 2007
Nicaragua	21 Oct 2008		Sudan		24 Apr 2009[a]
Niger	2 Aug 2007	24 Jan 2008	Swaziland	25 Sep 2007	
Nigeria	30 Mar 2007		Sweden	30 Mar 2007	15 Dec 2008
Panama	30 Mar 2007	7 Aug 2007	Syrian Arab Republic		10 Jul 2009[a]
Paraguay	30 Mar 2007	3 Sep 2008	The former Yugoslav Republic of Macedonia	29 Jul 2009	
Peru	30 Mar 2007	30 Jan 2008	Togo	23 Sep 2008	
Portugal	30 Mar 2007		Tunisia	30 Mar 2007	2 Apr 2008
Qatar	9 Jul 2007		Uganda	30 Mar 2007	25 Sep 2008
Romania	25 Sep 2008		Ukraine	24 Sep 2008	
Rwanda		15 Dec 2008[a]	United Arab Emirates	12 Feb 2008	
San Marino	30 Mar 2007	22 Feb 2008	United Kingdom of Great Britain and Northern Ireland	26 Feb 2009	
Saudi Arabia		24 Jun 2008[a]	United Republic of Tanzania	29 Sep 2008	
Senegal	25 Apr 2007		Yemen	11 Apr 2007	26 Mar 2009
Serbia	17 Dec 2007		Zambia	29 Sep 2008	

[a] Accession

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Sixty-fourth session
Item 90 of the preliminary list*
Developments in the field of information and telecommunications in the context of international security

Developments in the field of information and telecommunications in the context of international security

Report of the Secretary-General

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I. Introduction

1. In paragraph 3 of its resolution 63/37, the General Assembly invited all Member States to continue to inform the Secretary-General of their views and assessments on the following questions:

(a) General appreciation of the issues of information security;

(b) Efforts taken at the national level to strengthen information security and promote international cooperation in this field;

(c) The content of the concepts mentioned in paragraph 2 of the resolution;

(d) Possible measures that could be taken by the international community to strengthen information security at the global level.

2. Pursuant to that request, on 27 February 2009, a note verbale was sent to Member States inviting them to provide information on the subject. The replies received are contained in section II below. Any additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Brazil

[Original: English]
[11 June 2009]

1. Information and telecommunications are an essential part of modern societies, which depend on them to a large extent. The strong reliance on the constant availability of such services is inherent in today's activities, turning them into extremely valuable resources, crucial for the wealth and prosperity of nations.

2. The technological advances which made this scenario a reality have also raised a number of issues in the context of international security. Given that societies are increasingly dependent on information availability and telecommunications infrastructure, new vulnerabilities have been created that can be exploited for use in military conflicts and in criminal and terrorist activities.

3. Such exploits could potentially undermine the activities of private companies, banks, stock markets and governmental organizations. The increasing interconnection between the underlying networks of communications, while undoubtedly beneficial, gives rise to a new range of concerns that States must address at national and international levels.

4. At the same time that the developments in information and telecommunications can lead to vulnerabilities, they also represent an asset to be used as cyberwarfare. There are already national armed forces with specialized military units trained and equipped to disable or even destroy critical infrastructure by means of invasion and sabotage of information networks. Depending on the objective and the means employed, the effects of such attacks may range from "soft kills" of enemy weapon or sensor systems to cataclysmic disruptions of nationwide power grids.

5. The efficiency of this form of warfare is increased by the fact that relatively small investments are required to develop many of those capabilities. In view of these factors, cyberwarfare may well become the stepping stone of military interstate conflicts in the near future. The same tactics may also come to be used by terrorist individuals or organizations.

6. Aware of the importance of this subject for the maintenance of international peace and security, Brazil suggests that the issue be approached in two different ways. First, the international community should strive to build appropriate tools for dealing with criminal and terrorist activities involving information technology. In a separate but complementary approach, it should consider the impact of the emergence of cyberwarfare and the potential need for disarmament and non-proliferation regimes and international law concerning war to take into account its manifold effects.

7. Criminal and terrorist activities should be properly discussed in the adequate forums and the United Nations should play a relevant role in assisting Member States, as required, towards the following goals, among others:

- Establishment of emergency and alternative networks to protect critical infrastructure;
- Examination of network structure, analysing the interdependencies, and identification of effective methods of protection;
- Close cooperation between Government and private sectors, aimed at reaching the desired level of security for the information that flows among organizations;
- Establishment of protection systems to avoid or minimize the effects of cyberattacks;
- Implementation of tools and measures to enable authorities to trace the origin of cyberattacks;
- Debate on the desirability and convenience of international legally binding instruments on cybercrimes;
- Qualification of national institutions to conduct testing and evaluation of the security level of information systems;
- Creation of procedures for the mutual notification of cyberthreats among competent national authorities;
- Avoidance of discriminatory mechanisms that could prevent countries from accessing high technology in the field of telecommunications and information systems;
- Education and awareness activities regarding the importance of cybersecurity.

8. The United Nations should also play a leading role in the discussions on the use of information and telecommunications as cyberwarfare in interstate conflict situations, paying special attention to the following aspects:

- Identification, characteristics and classification of information warfare;
- Identification and classification of information weapons and means that can be used as information weapons;

- Establishment of a code of conduct for the use of information weapons;
- Guarantee that all countries have equal rights regarding the protection of their homeland against cyberattacks;
- Creation of a United Nations glossary containing definitions of the main terms related to information and telecommunications in the context of international security.

Kazakhstan

[Original: Russian]
[2 July 2009]

1. The active development of information and communications technology is responsible for widespread changes in all spheres of life throughout the world. As stated in the Okinawa Charter on the Global Information Society: "Information and Communications Technology (IT) is one of the most potent forces in shaping the twenty-first century. Its revolutionary impact affects the way people live, learn and work and the way government interacts with civil society."

2. The current era of increasing scientific and technological progress has seen a marked trend towards computerization and the creation of extensive data processing systems. The Internet impinges on almost all areas of public and social life and the number of its users continues to grow. Information resources, data processing systems and computer networks have therefore become the most vulnerable links in a State's national infrastructure.

3. Criminal communities are seeking to take advantage of the potential of modern information and communications technology, given that the Internet still remains a virtually free and uncontrolled space. According to experts from the International Chamber of Commerce, the number of Internet-based crimes is increasing in proportion to the number of Internet users. According to the International Criminal Police Organization (INTERPOL), the Internet community has one of the fastest growing crime rates in the world.

4. These offences can be roughly divided into three categories:

(a) Universal, State and public offences, which represent a threat to national and public security (including calls to overthrow the existing order, attempts to devalue sovereignty or to undermine independence and national interests, terrorist propaganda, chauvinism, xenophobia, all forms of extremism, and discrimination on ethnic, racial, religious, gender and other grounds);

(b) Universal civil offences, which constitute a threat to individual rights and freedoms (including violations of individual rights and freedoms, the use of compromising material, the exertion of pressure on individuals, the discrediting of individuals, the dissemination of confidential information, the use of another person's Internet services, the forgery of documents and copyright infringement);

(c) Traditional offences, which threaten the foundations of morality and decency (including pornography, paedophilia, other forms of sexual perversion, drug addiction and alcoholism).

5. The emergence of such information demonstrates that national legislation to regulate legal relationships arising from Internet use is inadequate and that a new supranational approach is required. At the international level, there is still no single regulatory approach for determining and assessing threats to international information security, nor are there any mechanisms in place for international cooperation to address such threats. At the same time, all of the international security concepts so far put forward by individual countries in the field of information technology lack universality.

6. This situation can be explained by the technological gap between the most and the least developed countries, latent political differences and conflicting ways of assessing developments and events in cyberspace, and a number of other factors.

7. The current international instruments of the United Nations and European organizations (such as the Organization for Security and Cooperation in Europe) mainly prioritize information technology threats from common crime and terrorism. However, they neglect the possibility that information technology advances may be misused as information weapons during armed conflicts to dominate the information space and to threaten national sovereignty and identity. Such instruments also ignore natural and man-made threats to national information infrastructures.

8. A key element for protection from such threats could be provided not only by international information security arrangements with military and political partners, but also by political and legal agreements on the mutual non-use of information as a weapon, joint mechanisms to minimize the negative consequences of an injurious act and to rehabilitate national information infrastructures and other measures.

9. It should be noted that representatives of the Republic of Kazakhstan are involved in similar efforts already under way within the framework of the Collective Security Treaty Organization (CSTO) and the Shanghai Cooperation Organization (SCO), where experts are working on the possibility of concluding relevant intergovernmental agreements. In particular, pursuant to the SCO plan of action to ensure international information security, adopted in Bishkek by a decision of the Council of Heads of SCO member States dated 16 August 2007, a group of international information security experts from SCO member States drew up a draft intergovernmental agreement on cooperation to ensure international information security. This agreement was signed in Yekaterinburg on 15 June 2009 during a meeting of the Council of Heads of SCO member States.

10. It should be pointed out that this agreement is without parallel anywhere in the world and that its signature will be of international significance, in view of the possibility that other States will to accede to it.

11. In addition, within the framework of CSTO, an interim working group on information policy and security reports to the Organization's Committee of Secretaries of Security Councils. The group has developed a programme of joint activities in order to establish an information security system for CSTO member States.

12. CSTO member States conducted joint preventive exercises as part of the "Proksi" operation, which was based on a unified plan for cooperative activities among the security and internal affairs (police) agencies.

13. In view of the scale and transboundary nature of the Internet, we propose that Member States of the United Nations should prepare and adopt an international convention on information security. One of the main pillars of such a convention should be efforts to combat Internet-based crime.

14. This instrument should seek to promote mutually beneficial international cooperation in the area of information security and to prevent the emergence of negative geopolitical consequences from global information and communications systems.

15. The convention also needs to establish organizational, technical, policy and social mechanisms for the receipt and use of information, with a view to protecting the constitutional system, sovereignty and territorial integrity of all United Nations Member States, as well as ensuring political, economic and social stability, law and order and the rule of law. It must also include mechanisms enabling the exercise of constitutional, human and civil rights.

16. At the national level, the Republic of Kazakhstan has developed a draft law amending and supplementing certain of its legislative acts on information and communications networks. This draft law is currently under consideration by the Senate.

17. This draft law proposes to strengthen standards governing the dissemination of information in the Republic of Kazakhstan via information and communication networks.

18. The main national efforts to increase information security and to facilitate international cooperation in this area are being undertaken by national security agencies. Activities to identify and prevent international computer crimes are carried out on an ongoing basis.

19. For example, in 2008 the National Security Committee and the Federal Security Service of the Russian Federation put an end to the activities of hackers from a transnational organized criminal group that had been extorting large amounts of money from companies doing business online by threatening their websites with "distributed denial-of-service attacks".

20. The preventive exercises carried out in the area of information security demonstrate that new forms of Internet-based crime have emerged, such as extortion, blackmail, human trafficking, pimping and the dissemination of materials promoting pornography, cruelty and violence, and terrorism and extremism.

21. For example, 45 cases of the distribution of pornography were identified in 2008. The increased availability of child pornography on the Internet should also be noted: one case of the distribution of child pornography was identified in 2005-2006; 7 cases were identified in 2007; and 14 cases were identified in 2008, including two from the Kazakh Internet community.

22. It must also be noted that efforts to combat information security and high-technology crimes are inadequate due to the lack of a clear legislative framework for information security issues.

23. Existing regulatory and legal acts in this sphere need to be further improved by taking current realities into account.

24. In our view, drawing on the experience of advanced countries, it would be appropriate to update existing criminal legislation in order to increase the punitive measures imposed for this category of crimes.

25. Furthermore, bearing in mind the transborder nature of computer crimes, law enforcement agencies need to continually expand their area of operational coordination in order to ensure a rapid response to Internet attacks. The results of cooperation between Kazakh law enforcement agencies and the special services and law enforcement bodies of other countries point to an increased level of computer attacks from the Kazakh Internet community. At the same time, victims of Internet attacks have difficulty responding promptly when transmitting information about attacks, since the Republic's relevant State bodies do not have an official service responsible for receiving and transferring information on computer incidents, such as the Internet information security centres in other countries (commonly known as computer emergency response teams).

26. In this connection, we believe that law enforcement agencies need to establish selected specialized units to identify, suppress and detect information security-related crimes. Such units should be equipped with advanced tools to combat these types of crimes.

27. Kazakhstan has also submitted its nominations for the group of governmental experts to be established in accordance with paragraph 4 of General Assembly resolution 63/37, entitled "Developments in the field of information and telecommunications in the context of international security".

Lebanon

[Original: English]
[22 May 2009]

1. We are issuing a new law covering the information and communications technology sector in Lebanon, which is in the final approval phase by the Chamber of Deputies; this law shall cover all related matters including security and all the matters related to information crimes.

2. Once the law mentioned above enters into force, the Ministry of Telecommunications will arrange for the matters concerning (b), (c) and (d) [of paragraph 3 of resolution 63/37] with other Ministries and all Administrations concerned.

Lithuania

[Original: English]
[26 May 2009]

1. Lithuania attaches great importance to the issue of information security both on its national and international agenda. The issue of cybersecurity is an important element of national security.

2. Cooperation on international level is of great importance in order to enhance the protection of communication and information systems as well as raise the awareness. Lithuania welcomes the fact that the issue of information security is

gaining greater attention on the agendas of international organizations such as the United Nations, the European Union, the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe and participates actively in their work to address this issue. Lithuanian institutions cooperate closely with their partners. Lithuania is a party to the Council of Europe Convention on Cybercrime since 1 July 2004.

3. Lithuania is one of seven NATO members who sponsored the establishment of the NATO Cooperative Cyber Defence Centre of Excellence in Tallinn, Estonia which received a status of NATO Centre of Excellence on 14 May 2008.

4. The "Safer Internet plus" — a multi-annual community programme on promoting safer use of the Internet and new online technologies was adopted by the Decision of the European Parliament and of the Council on 11 March 2005. The main tasks are education of the society on the issues of the safer Internet and hotline implementation.

5. During the General Assembly of INHOPE on 28 and 29 May 2008, in Dublin, the Lithuanian hotline became the member of INHOPE.

6. At the national level, in 2000, the first evaluation of the condition of the information infrastructure took place and marked the beginning of the complex involvement to address this issue. Among the main areas of evaluation were the level of the comprehension on the issue of information security, existing policy and the level of cyberprotection of the State institutions.

7. The Ministry of the Interior of the Republic of Lithuania was assigned the role of coordinator of the security of information technologies in the State institutions by the resolution of the Government of the Republic of Lithuania (No. 291, 14 March 2001).

8. A number of measures were developed and implemented with the aim to safeguard the information security, as it was set in State Information Technology Security Strategy (until 2004) and State Strategy on the Electronic Information Security at the State Institutions until 2008.

9. The inter-institutional working group for cybersecurity issues was established by a decree of the Prime Minister of Lithuania on 17 June 2008. On 21 November 2008, the working group submitted a report for the Government with proposals and recommendations for improving cybersecurity in Lithuania.

10. The Government of Lithuania is planning to prepare in the near future the draft of the Law on Electronic Communication Networks and Information Security and the new Electronic Information Security Strategy with the aim to further improve State capabilities in the field of information security and cyberdefence in particular. Among the objectives of the aforementioned strategy are the efficiency of institutional structure as the framework to defend against cyberattacks, security and resiliency of data transfer infrastructure, effective prevention of critical information infrastructure against cyberthreats, high level of compliance with policies and requirements through second- and third-party audit policy.

11. Since 2005 the Communications Regulatory Authority of Lithuania has carried out surveys on electronic communications networks and information security with the aim to flush out outstanding issues. The Communications Regulatory Authority carries out national computer emergency response team functions.

12. Lithuanian national computer emergency response team, CERT-LT, is tasked to promote security in the information society by preventing, observing, and solving information security incidents and disseminating information on threats to information security. The new website www.cert.lt was opened on 30 September 2008. On 16 January 2009 CERT-LT became an accredited member of the Trusted Introducer — the trust network for computer security incident response team and computer emergency response teams in Europe.

13. Lithuania seeks to ensure that international attention to the issue of information security remains high and the efforts to address this issue increase. Lithuania strives to participate actively in, and contribute to, the future work of the international community to achieve greater information security.

Mexico

[Original: Spanish]
[8 June 2009]

1. The main perceptions regarding security issues relate to the possible vulnerability of the information systems that regulate countries' defence systems and the risk of information technology and telecommunications being used by terrorists for violent or dissuasive purposes.

2. In this context, concerned by the development of telecommunication security in the world, Mexico attended the World Telecommunication Standardization Assembly, which was held in South Africa in October 2008 and, together with other members (Canada, Paraguay and Uruguay) of the Inter-American Telecommunication Commission (CITEL), it submitted a draft resolution inviting universities to participate actively in the meetings of the International Telecommunication Union so as to strengthen its work.

3. Moreover, in the regional sphere, Mexico acted as Vice Chairman of the twentieth meeting of the Permanent Executive Committee of CITEL, during which it offered States of the region a course, through the federal telecommunication committee, on the question of harmful interference with satellite systems. The States agreed to hold the V Regular Assembly of CITEL in Mexico during the first quarter of 2010.

4. Mexico has taken a number of measures to strengthen international security in the field of information and communication; inter alia it has a cyberpolice unit which, in addition to preventive actions relating to crimes committed via the Internet and other IT tools, has a specific focus on preventing and dealing with reports of crimes against minors.

Serbia

[Original: English]
[9 June 2009]

1. There is a need for States to consolidate their legal norms in the field of cyberspace as it is no longer limited to the territory of one country and the individuals and/or groups engaged in the destabilization and/or unauthorized use of

the information and telecommunications systems may not often be in the country in which an accident occurs. The resolution is an initial step and a solid basis for a balanced recommendations-based approach to the consolidation of legislations at the international level, aimed at strengthening international security, on the one hand, and ensuring a free flow of information, on the other.

2. Tougher laws are needed, primarily at the State level, which must conform to users technical skills and level of education and be buttressed by continued user education and the establishment of specialized agencies that would plan, organize and control the technical aspect of this field.

3. In assessing the respect of the principle of information security in the field of information and telecommunications systems, the following has been established:

Problems

- Daily generation of new types of malicious programmes that threaten the security of information and telecommunications systems
- Numerous attempts to hack the official Internet sites of the Ministry of Defence and the Armed Forces of the Republic of Serbia
- Promotion of terrorist ideas on the Internet

Security procedures and cooperation

- Application of appropriate anti-virus software at all levels of the use of information and telecommunications systems in the Ministry of Defence and the Armed Forces of the Republic of Serbia
- Continued protection against hackers raids of the official Internet sites of the Ministry of Defence and the Armed Forces of the Republic of Serbia
- Participation in conferences and seminars aimed at raising awareness of the danger of cybercrime and cyberterrorism.

Recommendations

Establish an international agency, charged with:

- Assessing problems in data and telecommunication channels protection
- Monitoring the "threat" factors in the field of international cyberterrorism and cybercrime
- Assessing problems of international security in the field of information and telecommunications systems and recommending solutions
- Designing education programmes, aimed at raising awareness of the danger of cybercrime and cyberterrorism
- Organizing knowledge and experience exchanges at intergovernmental levels

Tajikistan

[Original: English]
[20 May 2009]

1. Nowadays, the telecommunications sphere is considered to be a very important factor for development of the economy as well as for stabilization and security of any State.

2. Tajikistan has provided all the necessary conditions for the development of the telecommunication sphere thanks to the existing free competition and licensing of alternative operators and providers of services, and by introducing new services.

3. It is essential to pay attention to ensuring security of functioning of information and telecommunication infrastructures, to increasing the level of protection of the corporate informative systems, and through this, to counteract spreading of the ideology of terrorism, extremism and violence.

4. Tajikistan is prepared to support the above initiative and to collaborate in the sphere of development of international information safety.

Thailand

[Original: English]
[3 June 2009]

General appreciation of the issues of information security

1. The world has now entered the information society age, in which information technology is used to make life more convenient, for instance, in financial transactions and in the exchange of news and information. Nonetheless, not only does information technology provide benefits, but it also provides opportunities for its illegal and immoral use by certain groups thereby giving rise to problems such as stealing information through the information system, cyberattacks, the forging of electronic documents, infiltration of government databases to steal personal data, and violation of privacy. Nevertheless, information and communications technology (ICT) is needed for the economic development of each country. The increased complexity of technology, the shortage of well-trained personnel on information security, and the lack of sufficient resources can lead to a reduction of information security of computer systems and networks, which can lead to the loss of people's trust, especially in areas of banking, e-commerce, and administration. It is thus necessary to identify and forecast the problems involved in order to establish safeguards and security measures against these risks. To achieve this, countries should cooperate in establishing information security measures in order to set an international standard for all countries to abide by.

Efforts taken at the national level to strengthen information security and promote international cooperation in this field

2. The Royal Thai Government has set national security policy as one priority policy area within the Government strategic plan for the years B.E. 2552-2554

(2009-2011). Currently, the Government has legal measures in place to promote information security so that information networks are not used immorally and do not affect national security. Such measures include laws on computer crime, on electronic transactions, on electronic signatures, and on electronic money transfers.

3. The Ministry of Information and Communications Technology has placed great importance on ensuring information security on Internet networks, on resolving the issue of inappropriate and illegal websites, and has set up an Internet security operation centre with the purpose of monitoring information technology threats as well as coordinating with other agencies to tackle the use of information networks as a threat to national security. The Centre also aims to end the illegal use of information networks and to set up a system for monitoring viruses and junk e-mails.

4. With regard to international cooperation, a coordinating body should be established as the focal point. The body should set policies to prevent and combat inappropriate information, measures to tackle information security threats and preventive measures as a guideline for joint actions.

Examination of relevant international concepts aimed at strengthening the security of global information and telecommunications systems

5. Shared international concepts and principles to promote global information security is a necessity as the cyberworld today is interconnected and borderless. Therefore, the problem of information security that arises in one country can spill over and affect another country.

Possible measures that could be taken by the international community to strengthen information security at the global level

6. Possible measures the international community could take are the exchange of information, the exchange of preventive measures, and the exchange of measures to combat threats to information security. There should also be greater cooperation in developing the information technology capacity of various countries to be at an equal level, especially the transfer of technology and know-how of developed countries to lesser developed ones to help build the latter's capacity. Training programmes should also be set up covering issues of awareness, prevention, detection, management and response to minimize risks and threats to information security.

7. Furthermore, it is necessary to create a coordinating mechanism to interconnect the work of various agencies concerned to set the direction and policy regarding national information security to be at a certain standard and to move in the same direction.

8. Efforts by some international agencies to promote international cooperation in strengthening information security should be encouraged, namely the International Telecommunication Union (ITU). The ITU has organized an international conference to exchange experiences and explore measures to resolve the problems arising from the misuse of information technology. Study groups have also been set up to find measures to strengthen information security, the results of which Governments and agencies concerned can apply and use.

9. Computer emergency response teams should also be set up in each country with the assistance of countries that have experienced success in establishing these teams.

10. The protection of critical infrastructure of each country from cyberattacks and the rapid assistance or cooperation among the international community should be addressed and measures on how to solve or minimize such risks jointly explored.

11. Greater awareness of the issue of information security at the United Nations should be encouraged with, perhaps, discussion on the possible rules and regulations regarding information warfare and the issuance of annual reports on the threats and vulnerabilities of information security.

Ukraine

[Original: Russian]
[20 May 2009]

1. The growing role of information technology in the various spheres of activity in society has led to concern for information security. As advanced information technology enters the everyday life of States and societies, the opportunities for cyberattacks against information and telecommunications systems, against the information resources of State bodies and against commercial entities on the part of criminal elements and individuals, seeking to commit criminal acts, have grown.

2. Half of all recorded computer crimes involve unauthorized access to computer information. Computer crime for profit is growing, as is the material damage it causes. The number of crimes committed by transnational hacker groups is also growing.

3. Computer crimes are rarely reported and efforts to determine the full extent of such crimes are usually frustrated, as the Government and business entities that fall victim to such attacks always try to hide that fact, so as not to risk losing their authority, and they are reluctant to reveal the losses suffered and the weakness of their information protection systems. As a result, cases of such crimes are often not reported, which speaks to the need to develop concerted prophylactic and preventive measures, which should be at the core of information protection systems.

4. A computer crime is usually only the first step in a series of criminal acts, like the traditional types of crime, namely, theft, extortion, fraud and so forth. These crimes are constantly getting more sophisticated and hidden and their execution improving, causing huge economic and political harm in practically all countries of the world. Furthermore, most experts see a direct link between the information sovereignty of States and matters of national security.

5. Efforts to combat crime in the field of information technology encounter many problems of a legal nature resulting from the non-material and frequently ephemeral nature of computer evidence. The complex issues involved in dealing with the problems encountered in cybercrime make international cooperation even more necessary. For that reason all countries must in the end establish appropriate and mutually compatible legal, procedural and normative tools.

6. In practice the investigation of computer crime has shown the imperative need for cooperation between the law enforcement agencies of States.

7. In international practice joint measures are usually taken to investigate computer crime. The Ukrainian Security Service participates actively in joint operations by law enforcement agencies and special services as part of efforts to combat child pornography, fraud perpetrated via the Internet and international terrorism.

8. Furthermore, there is a need to strengthen efforts aimed at further developing cooperation in the provision of information security, protecting shared interests and introducing steps for their protection, mainly in the form of bilateral and multilateral agreements. A successful solution to the problems of information security can be found only if there is effective cooperation between the Government bodies of the various States, especially since the required legal basis is already in place.

9. Given the need to combat the threats of cybercrime and cyberterrorism, the Ukrainian Security Service maintains contacts with the law enforcement agencies and special services of foreign States.

10. It should be pointed out that cybercriminals often select as their targets networks established by Government offices. Furthermore, the success of efforts to track down and punish criminals depends on the quality of the international links that are established and on the optimization of national legislation to meet current standards.

11. In cooperation with the national police of the Kingdom of the Netherlands and the Federal Security Service of Russia we carried out a coordinated operation at the end of 2008 to stop the illegal activities of an international criminal hackers group that was stealing funds from clients of various finance and credit institutions by interfering in their automated systems without authorization.

12. Bearing in mind the continuous global growth in computer crime, the existence of links between criminal hackers groups in various countries and the fact that cyberthreats bear no relation to national borders, it is vital that international cooperation in the fight against cyberthreats be expanded.

13. Pursuant to the international Convention on Cybercrime, a fully viable and convenient mechanism has been set up in the form of a 24/7 network with national points of contact spanning the countries of the Group of Eight and other States covered by the Convention.

14. In accordance with the Decision of the President of Ukraine regarding the establishment within the National Security Service of a 24/7 point of contact, an interdepartmental working group composed of staff from the National Security Service, the Ministry of Internal Affairs, the Office of the Public Prosecutor and the Ministry of Justice is developing a bill regarding amendments to the Act ratifying the Convention on Cybercrime, a bill regarding amendments to the Telecommunications Act and a bill regarding the structure and overall staffing of the National Security Service, as well as a Presidential Decree on the organization of the functions of the 24/7 point of contact.

15. As part of the process of implementing the Decision of the President, the National Security Service is currently taking steps to register the point of contact within the international network.

16. The work accomplished to date should leave the contact point better placed to deal effectively and efficiently with exchange of information and cooperation against cybercrime on a worldwide scale.

17. With a view to implementing the decisions of the World Summit on the Information Society (first phase held in Geneva from 10 to 12 December 2003; second phase held in Tunis from 16 to 18 November 2005), Ukraine adopted an Act on basic principles for the development of the information society in Ukraine for 2007-2015. Its fundamental priorities are integration into the global information environment and development of the information society. The Act is intended to enable the latest information and communication technologies to be used in an atmosphere of better security.

18. In addition, a plan for the development of telecommunications in Ukraine has been drawn up and adopted. It provides for logistical and technical efforts to ensure the secure operation of all components of Ukraine's telecommunications infrastructure, including:

- establishing and introducing gradually a normative and legal basis to protect information, through technical means and encryption, ensuring harmonization with European and global standards;
- developing up-to-date information protection methods using technology to address comprehensively the task of protecting information in telecommunication networks;
- establishing systems to legally intercept information in telecommunication networks in the instances provided for by the law;
- establishing a State coordination centre for security in public information and telecommunication networks and helping to establish State and non-governmental centres to react and respond to incidents on those networks.

19. The normative and legal basis for information protection in Ukraine also includes Acts on the fundamental principles of national security; on information; on information protection and information and telecommunication systems; issuances of the President and Cabinet of Ministers on the technical protection of information in Ukraine; rules for the protection of information and telecommunication systems and networks and procedures for connection to global data-transmission networks. It also includes a large number of normative acts registered with the Ministry of Justice and having as their purpose to regulate connection of information systems to global data-transmission networks, licensing of particular types of activity and procedures for assessing information protection.

20. Normative and legal acts provide that the requisite protection of information should be achieved using only protected information and communication technology systems, in other words, those incorporating a comprehensive information protection system as a single body of legislative and logistical measures, software and hardware, intended to counter threats. The comprehensive system, and its information-protection components, must be certified as compliant with information-protection standards.

21. In order to regulate the requirements for comprehensive information protection systems and their components, Ukraine has developed and introduced some fifty technical standards laying down criteria for the assessment of information

protection, the classification of information and communication technology, procedures for achieving information protection requirements for the individual components of a comprehensive information protection system depending on the variety of information and communication technology involved, the ultimate purpose, the field of use and the type of information processed.

22. Ukraine has also created its own national system of criteria for assessing the security of information technologies. The system is based on a set of regulatory instruments on protecting information in information and telecommunications systems from unauthorized access; these instruments have been harmonized with similar instruments of European Union countries and with international standards, in particular standard 15408 of the International Organization for Standardization/ International Electrotechnical Commission (ISO/IEC 15408).

23. In addition, a national system of organizational and technical measures is being established in Ukraine with a view to preventing unauthorized acts against the information and telecommunications systems of the State authorities, law enforcement, customs and tax authorities, credit and financial institutions and others, in particular attempts to interfere with their work through the Internet.

24. The international community has responded to such acts by establishing an advanced and widespread system for rapid response to incidents that endanger the security of information resources: computer emergency response teams. The international organization known as the Forum for Incident Response and Security Teams coordinates the actions of such teams at the international level.

25. With a view to establishing a legal and regulatory basis for such activities, the management of the Ukrainian State Service for Special Communications and Information Protection issued Order No. 94 of 10 June 2008 approving the procedure for coordination between central and local government, military units, companies, institutions and organizations, irrespective of their form of ownership, with regard to preventing, detecting and dealing with the consequences of unauthorized acts against State information resources in information and telecommunications systems.

26. In implementation of this Order, a related website and e-mail address have been set up (www.cert.gov.ua).

27. Drawing on international experience in ensuring the security of information resources, Ukraine is taking steps to establish, within the State Service for Special Communications and Information Protection, a post of national coordinator for the prevention of violations of information security in information and telecommunications systems (computer emergency response team of Ukraine (CERT-UA)), the holder of which will be accredited with the Forum for Incident Response and Security Teams. In that connection, a meeting was held on 17 March 2009 between management representatives of the State Service for Special Communications and Information Protection and a senior adviser on information security from the Finnish Communications Regulatory Authority.

28. During the period 2006-2008, Ukraine received more than 200 reports from the computer emergency response teams of Finland, Australia, Austria, Slovenia and other States of unauthorized acts on the Internet by Ukrainian users, even though CERT-UA was not at the time accredited with the Forum for Incident Response and Security Teams. As a result of these acts, more than 250 e-mails were sent to the

relevant Internet providers with the aim of locating the sources of the harmful software and viruses. In addition, in May 2007 steps were taken to prevent distributed denial-of-service (DDoS) attacks on Estonian servers from sources in Ukraine, and in October 2007 a DDoS attack on the website of the President of Ukraine was averted.

29. It should be added that Ukraine has created a legal and regulatory framework and made efforts to ensure cooperation between the State Service for Special Communications and Information Protection and the law enforcement agencies with a view to implementing measures to safeguard the security of State information resources in information and telecommunications systems and improving the effectiveness of the system for responding to unauthorized acts against those information resources.

30. Thus, in Ukraine, information can now be protected at all stages of the establishment of information and telecommunications systems and the comprehensive information protection systems within them, irrespective of the type and criticality of the information being processed and the type and complexity of the information and telecommunications system. Moreover, all the basic approaches to the elaboration of requirements, design, development, security assessment and protection of information resources in information and telecommunications systems as a whole correspond to the approaches employed by the State security services of the Member States of the United Nations and the member States of the European Union.

31. With a view to training specialists in the field of information security and computer engineering, an Institute for Information Protection has been set up as an academic and scientific department of the State University of Information and Communications Technologies.